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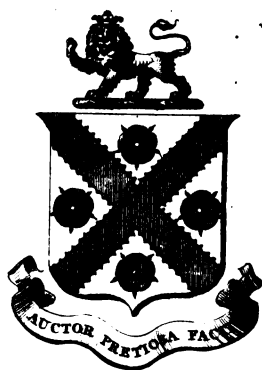
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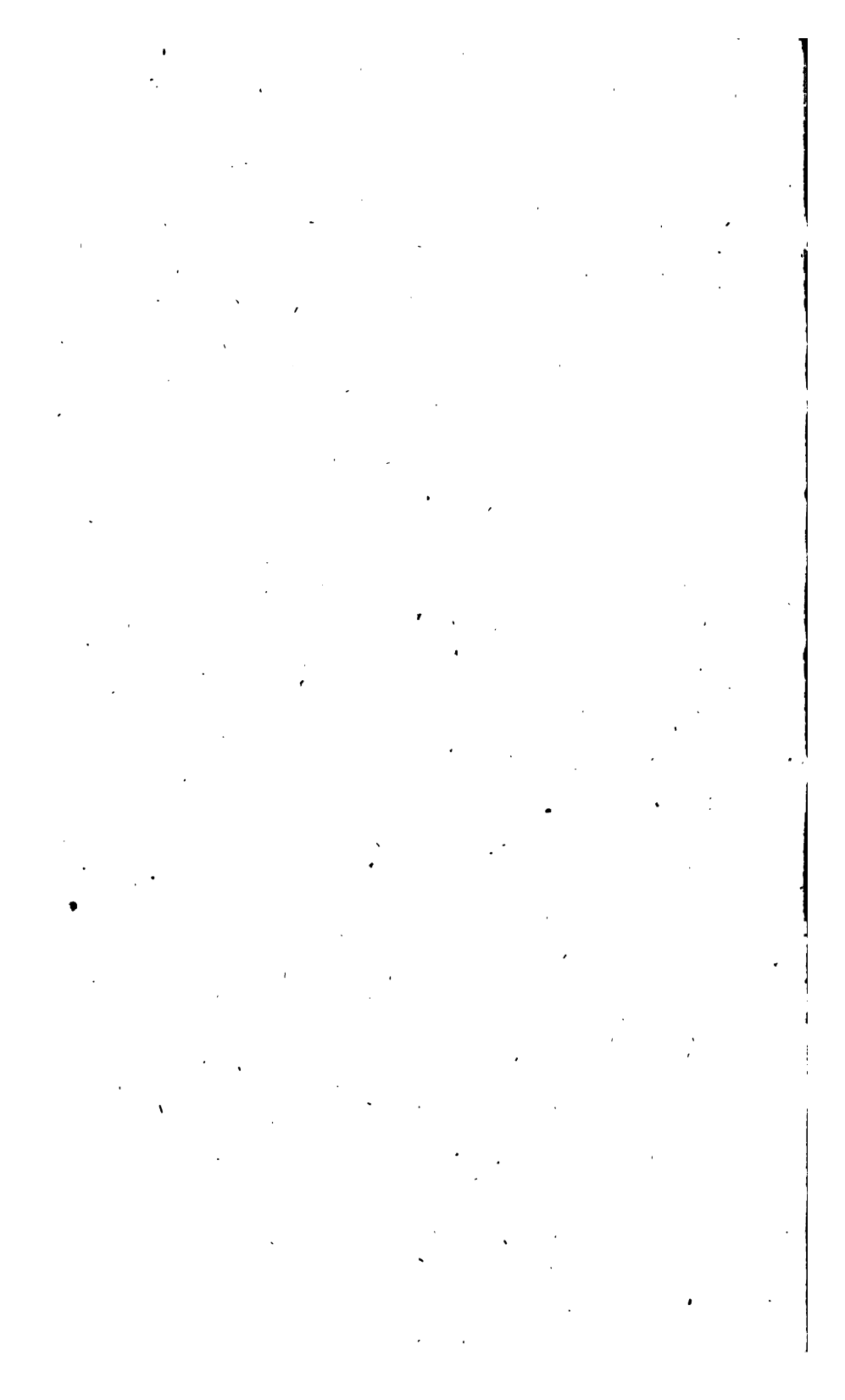
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THE
HISTORY
OF
GREAT BRITAIN,

FROM THE
FIRST INVASION OF IT BY THE ROMANS
UNDER JULIUS CÆSAR.

WRITTEN ON A NEW PLAN.

By ROBERT HENRY, D.D.
ONE OF THE MINISTERS OF EDINBURGH, MEMBER OF THE
SOCIETY OF ANTIQUARIANS OF SCOTLAND, AND OF
THE ROYAL SOCIETY OF EDINBURGH;

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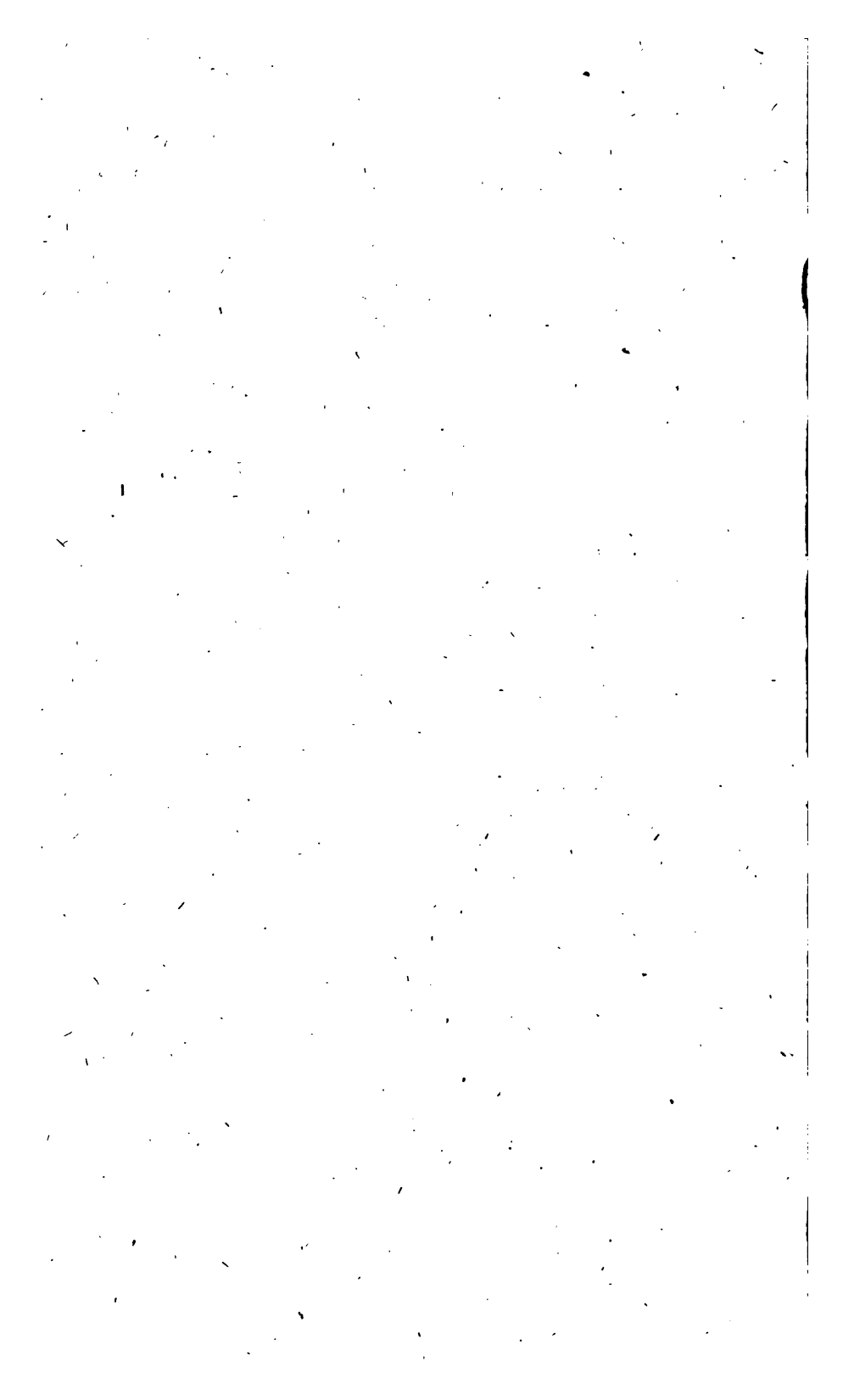
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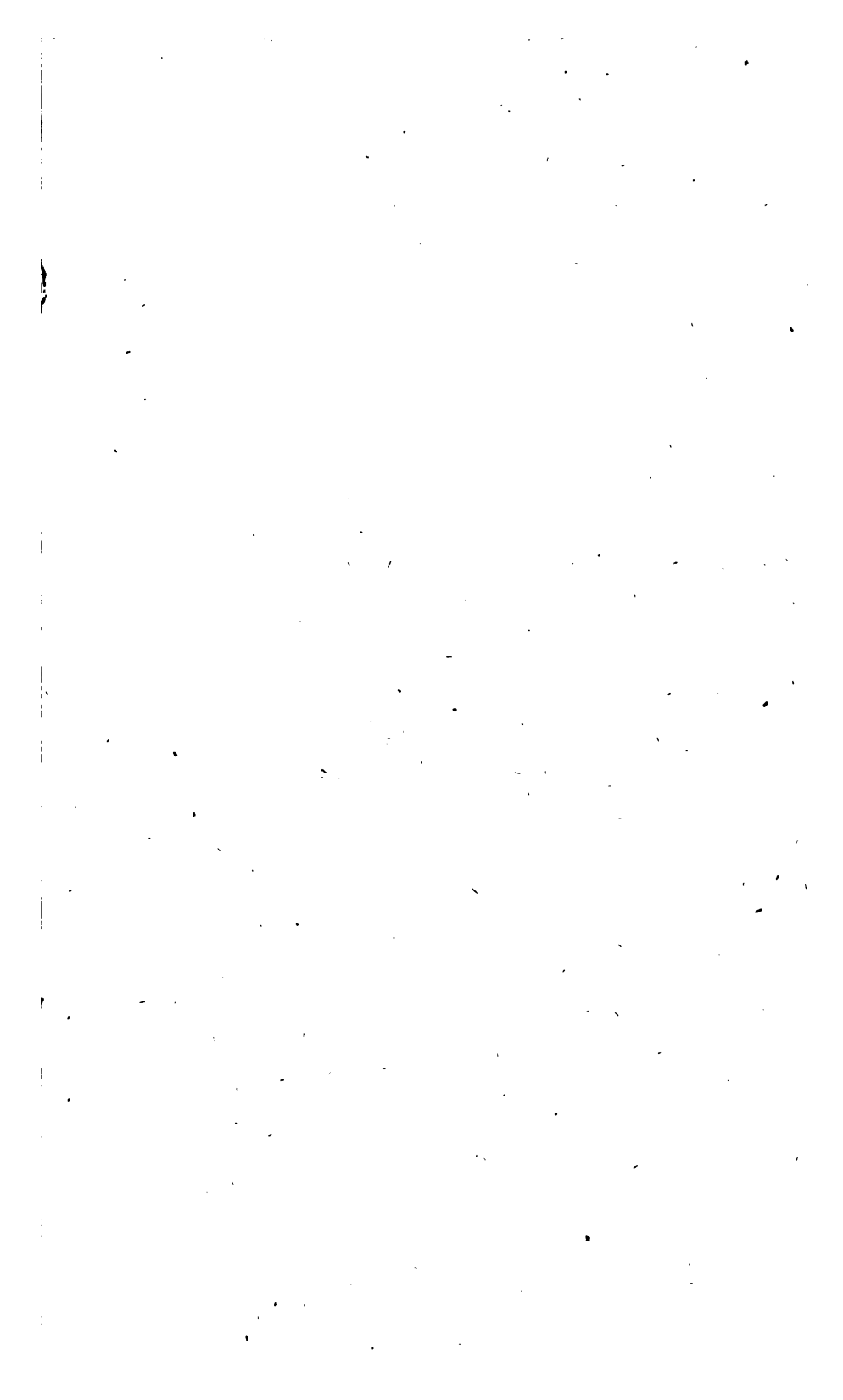
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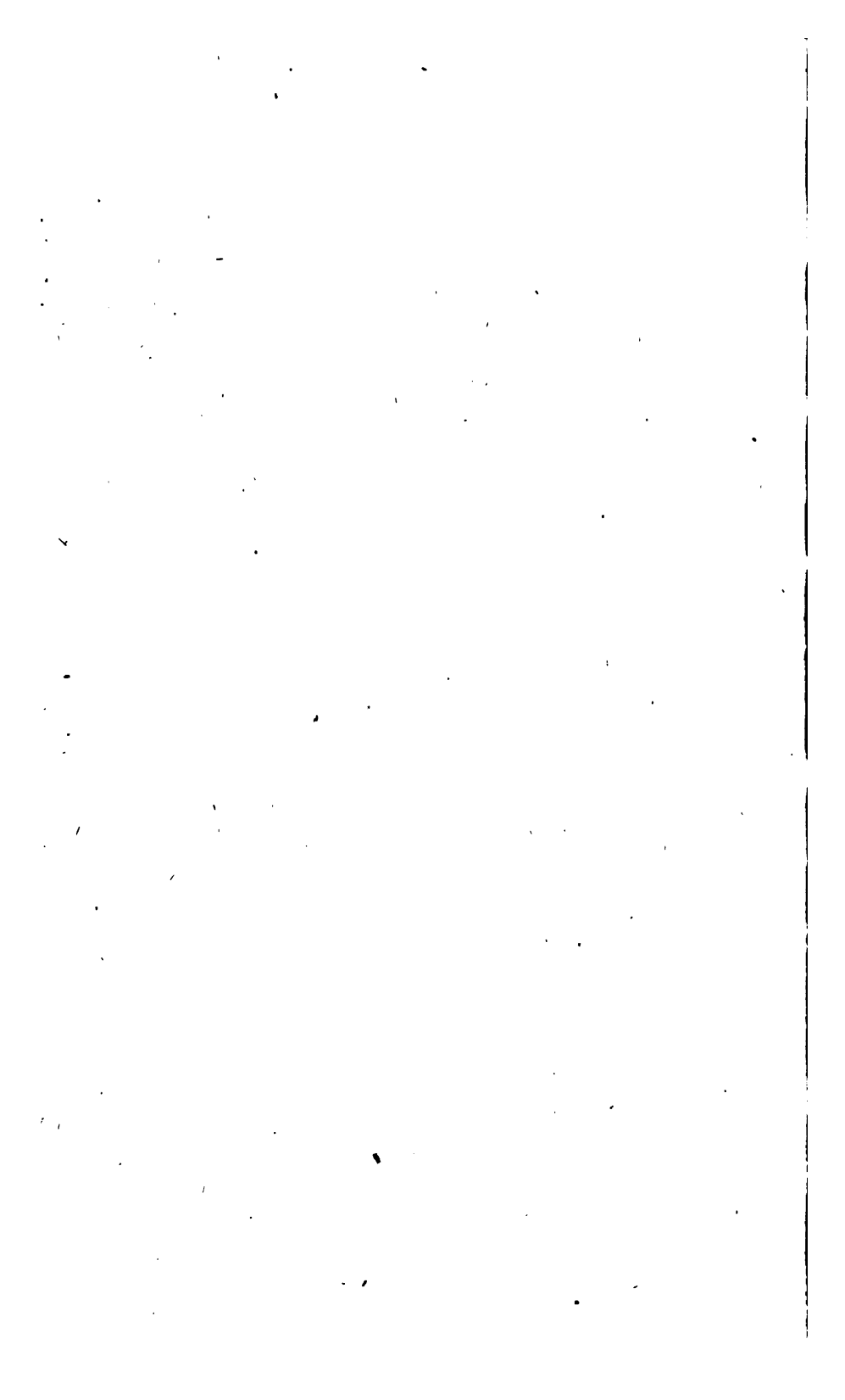
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THE
HISTORY
OF
GREAT BRITAIN.

BOOK III.

CHAPTER III.

*History of the Constitution, Government, and Laws
of Great Britain, from the landing of William
duke of Normandy, A. D. 1066, to the death of
king John, A. D. 1216.*

THOUGH the Norman conquest was not near so sanguinary as the Anglo-Saxon, it cannot be denied that it was productive of very important changes in the state of England, and particularly in its constitution, government, and laws, the subjects of the present chapter. To prevent the repetition of the delineation that hath been already given in the third chapter of the preceding book, of those parts of the Anglo-Saxon constitution that were

Plan of
this chap-
ter.

VOL. VI. B still

still retained in this period; it is proposed to divide this chapter into two sections; and, in the first of these, to give a very brief account of the most considerable changes that were introduced by William I. into the constitution, government, and laws of England; and, in the second, to describe, with equal brevity, the successive alterations in all these, that were made by the other princes who reigned in this period. The laws of history will not admit into these sections those particular details, minute distinctions, and controversial disquisitions, that would be proper in a work on law and government; and I am fully determined that they shall not be swelled with unfriendly depreciating strictures on the labours of other writers.

SECTION I.

History of the changes in the Constitution, Government, and Laws of England, that were introduced in the reign of William I. from A. D. 1066, to A. D. 1087.

Those in the lowest rank in society were slaves.

THE changes in the ranks and degrees of men in society, that were introduced into England at the Norman conquest, seem to have been rather nominal than real. Those who occupied the lowest rank, still continued in a state of slavery; and we have good reason to believe, that their numbers were rather increased than

dimi-

diminished by that event. None of the Anglo-Saxon serfs, who were annexed to the lands which they cultivated, and had been usually transferred with them from one proprietor to another, could entertain the least hopes of obtaining freedom, or even a mitigation of their servitude, when these lands were bestowed on the enemies and conquerors of their nation¹. On the contrary, many of the English, who had formerly been free, having been taken prisoners at the battle of Hastings, or in some of the subsequent revolts, were reduced to slavery; and thought themselves very happy if they preserved their lives, though they lost their freedom. The Norman conquerors for some time treated their English slaves with so much severity, that a contemporary writer declines giving any description of it, "because its inhuman cruelty would appear incredible to posterity²."

The condition of all these unhappy people, in this period, was not equally abject and wretched. There were different degrees of servitude, and different kinds of slaves that were called by different names, viz.—1. Villains in gross, who were the personal property of their masters, and performed the lowest and most laborious offices about their masters houses³. This class of slaves seems to have been very numerous; for Roger Hoveden tells us, that from the reign of Wil-

Different kinds of slaves; as domestic slaves.

¹ Ingulph. Hist. sub fin. ² Hist. Elieuf. apud Gale, t. 1. p. 116.

³ Sir Thomas Smith's Commonwealth of England, p. 123.

liam I. to his own time in the reign of king John, there was hardly a house or even cottage in Scotland, in which there was not to be found an English slave⁴. It is not to be imagined that their more opulent neighbours the Normans and English were worse provided than the Scots with domestic slaves. They had indeed such great numbers of them, that they exported and sold many of these unhappy persons in foreign countries⁵.

Predial
slaves.

2. Villains regardant, or predial slaves, who lived in the country, and cultivated the lands of their masters, to which they were annexed⁶. These were in a better condition than domestic slaves, and had an imperfect kind of property in their houses and furniture, and in the little gardens and small pieces of ground which they were allowed to cultivate, at leisure times, for their own subsistence. But still their persons and properties were so much in the power of their masters, that they granted or sold them to whom they pleased⁷. These two formed a very numerous class of slaves, by whom the demesnes of all the earls, barons, bishops, abbots, and great men of England, were cultivated. The villains belonging to some of the richest abbeys amounted to two thousand⁸.

⁴ R. Hoveden. Annal p. 260. col. 1.

⁵ Girald. Cambrenf. Hibernia Expugnat. p. 779.

⁶ Sir T. Smith, p. 123.

⁷ Ingulph. Hist. p. 520. col. 1.

⁸ Walsingham Hist. Ang. p. 258.

3. Cottars

3. Cottars (who in the barbarous Latin of Cottars. those times were called *Cottarii*, because they dwelt in small huts or cottages, near to the mansions of their masters) composed another class of slaves frequently mentioned in Doomf-day-book. They were such as, by the direction of their owners, had been instructed in some handicraft art or trade, as that of smiths, carpenters, &c. which they practised for the benefit of their masters, and were on the same footing in all respects with villains or predial slaves⁹.

4. Borders, in Latin *Bordarii*, frequently Borders. occur in Doomfday-dook, as distinguished from villains and cottars; but in what respects they differed from them, is not clearly ascertained. The most probable opinion seems to be, that they were a kind of upper domestic servants, who waited at table (then called *bord*), and performed other less ignoble offices in their masters houses, in which they did not reside, but in small huts of their own, to which little gardens and parcels of land were annexed, as the fee or reward of their services¹⁰. From this short and imperfect enumeration it is sufficiently evident, that a very great proportion of the people of England in this period, were in a state of servitude, or rather in a state of slavery.

As all the children of slaves were by their Freed-men. birth in the same degrees of subjection to the same masters with their parents, this order of

⁹ Spelman. Du Cange, in voc.

¹⁰ Spelman Gloss. in voc.

men must have increased exceedingly, if many of them had not from time to time obtained their freedom. This they did by various means, but chiefly by uncommon fidelity and diligence, which excited the gratitude of their masters, and engaged them to make them free¹¹. The granting freedom to a certain number of slaves, was sometimes enjoined by the clergy, and sometimes voluntarily performed by penitents, in order to obtain the pardon of their sins, and for the good of their souls. The ceremony of manumission was commonly performed at church, or at the county-court, when the master, taking his slave by the hand, declared that he made him free; after which he gave him a sword or spear, the arms of a free man; and then commanding all the doors to be thrown open, allowed him to go where he pleased¹². These freed-men possessed the same place in society in this period, that the free-lazen had possessed in the times of the Anglo-Saxons.

Description of those in the middle ranks in society.

The middle rank in society, that filled up the interval between the freed-men on the one hand, and the noblesse and baronage on the other, was chiefly composed of three different bodies of men, which had been formerly very distinct, but were now united. 1. Those Anglo-Saxon ceorls, who had remained neuter in the quarrel between William and Harold, and had not joined in any

¹¹ Glanvill de Consuetudini Angliae, l. 5. c. 5.

¹² Leges Wilhelmi I. l. 65. Henrici I. l. 78. &c.

Ch. 3. § 1. CONSTITUTION, &c.

of the subsequent revolts, and were therefore allowed to retain their rank as well as their possessions, though, for their own greater security, they generally put themselves under the protection of some great Norman baron, and became his focmen. 2. Those Anglo-Saxon thanes and noblemen who were degraded from their former rank, and divested of all power, but permitted to retain a part of their possessions, under the protection of their conquerors. The number of these degraded nobles was not inconsiderable; for before the end of the reign of William I. there was hardly so much as one Englishman who was either earl, baron, bishop, or abbot¹³; and for more than a century after, to be an Englishman was an effectual exclusion from all preferment¹⁴. 3. Those Frenchmen, Normans, and others, who fought under their several leaders in the conquest of England, and afterwards settled on the demesne lands of those leaders, and became their farmers, focmen, and smaller vassals. All these different kinds of people were by degrees blended together, and formed a body, from which the yeomanry and many of the gentry of England are descended. The inhabitants of towns and cities were generally of this middle rank.

The Norman barons formed the highest order of the state, and occupied the same place in society after the conquest, that the Anglo-Saxon

Norman nobility.

¹³ Ingulphi Hist.

¹⁴ Eadmer, p. 94. 110.

thanes had possessed before that æra, and the nobility and principal gentry of England now possess¹⁵. They were a numerous, opulent, and powerful body of men, and (when taken in the most extensive sense) comprehended all the considerable proprietors of land in England, especially all those who held immediately of the king *in capite* by military services. The lesser barons were frequently called *vavasors*, and corresponded to the lesser Anglo-Saxon thanes, and to the modern English gentlemen of ancient families and large estates¹⁶. But barons, in this period, most properly were the greater or king's barons, who held immediately of the king an entire barony, consisting of thirteen knights fees, and the third part of a knight's fee, yielding an annual revenue of £ 266 : 13 : 4, or 400 marks¹⁷: an ample fortune in the times we are now considering. Those who held such baronies were the spiritual and temporal lords of the kingdom, who enjoyed many singular privileges and immunities, and in their own territories were a kind of petty princes (too often tyrants), possessing both civil and military jurisdiction over their vassals¹⁸. But we shall meet with a more convenient opportunity of considering the civil authority and military power of the Norman barons.

Great
changes in
the cir-

Though the accession of William duke of Normandy to the throne of England produced no

¹⁵ See vol. 3. p. 329.

¹⁶ Selden's Titles of Honour, p. 518.

¹⁷ Vid Spelman. Du Cange Gloss. in voc. *Baro*, *Baronia*.

¹⁸ Id. *ibid*.

very

very remarkable alteration in the ranks and orders of men in society; it produced many important changes in their political circumstances,—in the tenures by which they held their lands,—the services and prestations to which they were subjected,—the magistrates by whom they were governed,—the courts in which they were judged,—and the laws they were obliged to obey. These changes were chiefly owing to the establishment of the feudal system of police and government in England by William I. in the same state of maturity to which it had then attained in his dominions on the continent.

cumstances of the people of England.

In the Anglo-Saxon times, all the proprietors of land (the clergy at last excepted) were subjected to the three following obligations, commonly called the *trinoda necessitas*:—1. To attend the king with their followers in military expeditions;—2. To assist in building and defending the royal castles;—3. To keep the highways and bridges in a proper state¹⁹. To these three obligations a fourth, called a *heriot*, was added, by the laws of Canute the Great; which consisted in delivering to the king the horses and arms of his earls and thanes at their death, with certain sums of money, according to their rank and wealth²⁰. That these may be called feudal prestations, and considered as a proof that the feudal form of government was not altogether

The feudal system of government not altogether unknown before the conquest.

¹⁹ Hicetii Dissertat. Epistol. p. 60. Reliquiæ Spelman. p. 22.

²⁰ Wilkins Leges Saxon.

unknown to the Anglo-Saxons, need not be disputed. But to these William I. added so many others, which shall be presently described, that he may be justly said to have completed, if not to have erected, the fabric of the feudal government in Britain.

The conquest a favourable opportunity for establishing the feudal system.

The sovereign of a feudal state was, in idea at least, the proprietor of all the lands in his dominions²¹. Part of these lands he retained in his own possession for the maintenance of his family, and support of his dignity; the rest he granted to certain of his subjects, as benefices or fees for services to be performed by them, and on such other conditions as he thought proper to require, and they to accept. By the numerous forfeitures after the battle of Hastings, and the subsequent revolts, and by the abject state to which even those of the English who had not forfeited were reduced, the idea of a feudal sovereign was almost realized in William I. and he beheld a very great proportion of the lands in England at his disposal, which enabled him to establish the feudal system of government in its full extent, with little or no difficulty. Nor did he neglect this favourable opportunity of introducing into his new dominions that form of government, to which he and his followers had been long accustomed, and which was so well adapted to preserve that important acquisition he had made²².

²¹ Somner on Gavelkind, p. 109. Smith de Republic. l. 3. c. 10.

²² Coke on Lit. p. 1, 2. ad Sect. 1. Craig de Feudis, l. 1. c. 7.

William

William I. in the distribution of the territory of England, was not unmindful of the interests of the crown; but retained in his own possession no fewer than 1422 manors, besides a great number of forests, parks, chaces, farms, and houses, in all parts of the kingdom²². As the hopes of obtaining splendid establishments for themselves and followers had engaged many powerful barons, and even some sovereign princes, to embark with him in his dangerous expedition, he was induced, both by the dictates of honour and prudence, to gratify their expectations by very liberal grants of lands. To Hugh de Abrencis, his sister's son, he granted the whole county of Chester;—to Robert earl of Mortaigne, and Odo bishop of Bayeux, his two uterine brothers, he gave, to the former 973 manors, to the latter 439;—to Allen earl of Brittany 442,—to William de Warrenne 298,—to Geoffrey bishop of Coutance 280,—to Roger Bigod 123,—to Walter Giffard 107,—to Richard de Clare 171,—to William de Percy 119,—and to all his other chieftains according to the different degrees of their power, their services, and their favour²⁴.

William I. made very liberal grants of land to his barons.

None of the grants of land made by William I. were unconditional, but to all of them a great variety of obligations were annexed. These obligations were of two kinds, viz. 1. Services, which contributed to the splendour of the sove-

Obligations annexed to these grants.

²² Doomsday-book passim.

²⁴ *Id.* *ibid.* Dugdale's Baronage, vol. 1. p. 66—269.

reign, and security of the kingdom; 2. Prestations of various kinds, which constituted a considerable part of the royal revenue.

Military
services,
&c.

1. The services which contributed to the splendour of the sovereign, and security of the kingdom, to be performed by the immediate vassals of the crown, were chiefly these three: 1. Homage and fealty. 2. Personal attendance upon the king in his court at the three great festivals of Christmas, Easter, and Whitsuntide, and in his parliament, at other times, when regularly called. 3. Military services in the field, or in the defence of castles for a certain time, with a certain number of men, according to the extent of their estates. By these three things the sovereign of a feudal kingdom was secured, as far as human policy could secure him,—in a splendid court for his honour,—a numerous council for giving him advice in the arduous affairs of government,—and a powerful army for the defence of his person and dominions.

Pecuniary
presta-
tions.

2. The payments or prestations to which the immediate vassals of the crown were subjected, and which constituted a considerable part of the royal revenue, were chiefly these six: 1. Reserved rents. 2. Wardships. 3. On marriages. 4. Reliefs. 5. Scutages. 6. Aids. It is necessary to give a very brief delineation of each of the above services and prestations.

Homage.

The sovereign of a feudal kingdom never appeared in greater glory than when he received the

the homage of his immediate vassals, in his great court of parliament. Seated upon his throne, in his royal robes, with his crown on his head, and surrounded by his spiritual and temporal nobles, he beheld his greatest prelates and most powerful barons, uncovered and unarmed, on their knees before him. In that humble posture they put both their hands between his, and solemnly promised, "to be his liege-men of life" and limb and worldly worship, to bear faith and troth to him, to live and die with him "against all manner of men"²⁵.

2. The courts of the Anglo-Norman kings were at all times very splendid, but more especially at the three great festivals of Christmas, Easter, and Whitsuntide, when all the prelates, earls, and barons of the kingdom were, by their tenures, obliged to attend their sovereign, to assist in the celebration of these festivals,—in the administration of justice,—and in deliberating on the great affairs of the kingdom. On these occasions the king wore his crown, and feasted his nobles in the great hall of his palace, and made them presents of robes, &c. as marks of his royal favour; after which they proceeded to business, which consisted partly in determining important causes, and partly in deliberating on public affairs²⁶.

Personal
attend-
ance in the
king's
court.

²⁵ Spelman, Du Cange, in voc. *Homagium, Ligium*. Littelton, sect. 85. Bracton, l. 2. c. 35. Glanville, l. 9. c. 1. Fleta, l. 3. c. 16.

²⁶ Du Cange, voc. *Curia*, Craig de Feudis, l. 2. c. 11.

Military
service.

3. Military service was the greatest and most important obligation annexed to the grants of lands made by William I. and other feudal sovereigns, whose chief intention was, in making these grants, to secure a sufficient body of troops under proper leaders, well armed, and always ready to take the field, for the defence of the kingdom, and the prosecution of such wars as were thought necessary for the honour of the prince and the prosperity of the state²⁷. These lands, so granted, may very well be considered as the daily pay of a certain number of troops which the persons to whom they were granted were obliged to keep in constant readiness for service; and therefore the number of knights fees or stipends which every state comprehended was carefully ascertained. To add still further to the strength and security of the kingdom, William I. subjected the lands of spiritual barons as archbishops, bishops, abbots, and priors, to the same military services with the lands of temporal barons and knights²⁸. From the famous survey of England, made by the direction of this great prince, and recorded in Doomsday-book, it was found, that the whole kingdom contained 60,215 knights fees, of which no fewer than 28,115 belonged to the church²⁹.

It is now time to take a very short view of those prestations to which the immediate vassals

²⁷ Coke Instit. 4. p. 192. ²⁸ M. Paris, p. 5. col. 1. ann. 1070.

²⁹ Spelman. Gloss. voc. *Feodum*. Dissertat. de Militi, p. 184. Craig de Feudis, 1. 2. c. 11.

of the crown of England were at this time subjected, and which constituted a considerable part of the royal revenue.

1. Though William I. and other feudal sovereigns, made large grants of lands to their nobility, clergy, and other vassals, they did not relinquish all connection with and interest in these lands. On the contrary, they granted only the right of using these lands on certain conditions, still retaining the property, or *dominium directum*, in themselves: and to put their vassals constantly in mind of this circumstance, they always reserved certain annual payments (commonly very trifling), that were collected by the sheriffs of the counties where the lands lay.³⁰

Reserved
rents.

2. When an earl, baron, or other vassal of the crown, died, and left his heir under age, and consequently incapable of performing those personal services to his sovereign to which he was bound by his tenure, the king took possession of his estate; that he might therewith support the heir, and give him an education suitable to his quality, and at the same time might provide another person to perform his services in his room. This right of being the guardians of all minors, male or female, who held their lands of the crown by military services, brought considerable profits into the royal coffers, or enabled the

Wardship.

³⁰ Madox, Hist. Excheq. c. 10. Craig de Feud. l. 1. c. 9.

prince

prince to enrich his favourites, by granting them the guardianship of some of his most opulent wards³¹.

Marriage.

3. The king's female wards could not marry any person, however agreeable to themselves and their relations, without the consent of their royal guardian; that they might not have it in their power to bestow an estate that had been derived from the crown on one who was disagreeable to the sovereign³². This was a cruel and ignominious servitude, by which heiresses of the greatest families and most opulent fortunes, were exposed to sale, or obliged to purchase the liberty of disposing of themselves in marriage by great sums of money, either from the king, or from some greedy courtier, to whom he had granted or sold their marriage³³. No less a sum than ten thousand marks, equal in efficacy to one hundred thousand pounds of our money at present, was paid to the king for the wardship and marriage of a single heiress³⁴. This cruel servitude was afterwards extended to male heirs.

Relief.

4. The king had not only the guardianship and marriage of the heirs of all his immediate vassals, but he demanded and obtained a sum of money from them when they came of age, and were admitted to the possession of their estates; and also from

³¹ Craig de Feud. l. 2. c. 2. Spelman Reliquiæ, p. 25. Gloss. voc. *Warda*. Madox, Hist. Excheq. c. 10. sect. 4. Glanvil, l. 7. c. 9.

³² Du Cange, voc. *Maritagium*. Glanvil, l. 7. c. 9.

³³ Madox, Hist. Excheq. c. 10. sect. 4.

³⁴ Id. Ibid.

those

those heirs who had been of age at the death of their ancestors. This last was called relief, because it relieved their lands out of the hands of their sovereign, into which they fell at the death of every possessor³⁵. Reliefs were at first arbitrary and uncertain, and of consequence the occasion of much oppression. They were afterwards fixed at the rate of one hundred shillings for a knight's fee, one hundred marks for a baron, and one hundred pounds for an earldom, which was supposed to be about the fourth part of the annual value of each³⁶.

5. Scutage, or shield-money, was another Scutage prestation to which the military vassals of the crown, both of the clergy and laity, were subjected. It was a sum of money paid in lieu of actual service in the field, by those who were not able or were not willing to perform that service in person, or to provide another to perform it in their room. The rate of this commutation was not always the same, but most commonly it was two marks for every knight's fee, though sometimes it was only twenty shillings, and at other times three marks, or two marks and a half³⁷. This payment became the occasion of much vexation to those who owed military service to the crown; because our monarchs sometimes engaged, or pretended to

³⁵ Glanvil, l. 9. c. 4.

³⁶ Du Cange, voc. *Relivium*. Madox Hist. Excheq. c. 10. sect. 4.

³⁷ Du Cange, voc. *Scutagium*.

engage, in expeditions into distant parts, or at inconvenient seasons, that they might have a pretence for demanding scutage from their vassals³⁸.

Aids.

6. Besides all the above payments, the immediate vassals of the crown, who were presumed to be possessed of much affection and gratitude to their sovereign for the favours they had received from him, granted, or rather complied with the demand of certain pecuniary aids, on some great occasions, when he stood in particular need of their assistance. The occasions on which those aids were demanded and granted, were these three: 1. To make his eldest son a knight; 2. To marry his eldest daughter; 3. To ransom his person when he was taken prisoner in war. The rate of these aids was also unsettled; but it seems to have been most frequently one mark, or one pound, for every knight's fee³⁹.

Subinfeudation.

There is sufficient evidence, that all these services and prestations, so troublesome in themselves, and so liable to be rendered oppressive and intolerable, were brought from Normandy, and imposed by William I. on the leaders of his victorious army, to whom he granted great estates in England. But these were far from

³⁸ Du Cange, voc. *Scutagium*. Madox Hist. Excheq. c. 16.

³⁹ Spelman. Du Cange, Gloss. voc. *Auxilium*. Madox Hist. Excheq. c. 15. Glanvil, l. 9. c. 2.

being

being the only persons who felt the weight of those feudal servitudes. For the Norman and other barons, who received extensive tracts of land, imitated the example of their sovereign in the disposal of these lands. They retained part of them lying contiguous to their castles in their own possession, which were called their demesnes; and the rest they granted to their followers, who had fought under their banners, on terms exactly similar to those on which they had received them from the crown. The vassals of every baron did him homage, with a reservation of their homage to the king, which was sometimes not much regarded.—They gave personal attendance in his court at stated times, or when regularly called.—They followed him into the field with a certain number of troops, according to the quantity of land they had received.—They paid him certain reserved rents.—Their heirs were his wards when under age.—They could not marry without his consent.—They gave him a relief when they obtained possession of their estates;—and aids for making his eldest son a knight, for marrying his eldest daughter, and for redeeming his person from captivity. In a word, a feudal baron was a king in miniature, and a barony was a little kingdom. Even the vassals of barons sometimes granted subinfeudations, but always exactly on the same plan. By this means all the distressful servitudes of the feudal system descended from the sovereign to the meanest possessor of land by

C 2

military

military tenure, becoming heavier as they descended lower ⁴⁰.

Socmen.

It is true that those possessors of land who were called *socmen*, because (as many think) they followed the soc or plough, were not subjected to some of the most vexatious of those feudal servitudes, as personal attendance, wardship, marriage, &c. But this seems to have been owing to the contemptible light in which they were viewed by their sovereign and his haughty martial barons, who would not admit them into their courts and company; and considered the education and marriage of their heirs as matters of small importance, and unworthy of their attention. Nor were many of these socmen more free and happy than the military vassals of the king and barons. On the contrary, they were subjected to lower and more laborious servitudes, as furnishing men, horses, and carriages, on various occasions; ploughing and sowing the lands of their lords, &c ⁴¹. In a word, the feudal system of tenures established by William I. in England, was productive of universal distress and servitude; from which even those of the highest ranks were not

⁴⁰ Spelman. Du Cange, Gloss. voc. *Baro, Feodum, Curia, Homagium, Warda, Maritagium, Relevium, Uxilium*.

⁴¹ Spelman. Du Cange, voc. *Socmannus*. The opinion of one of the most learned writers on the law of England,—that tenures, called *free socage*, were the relics of the allodial tenures of the Anglo-Saxons, is not disputed. We have no reason to be surprised, that a few small estates escaped the rapacity of the Normans. *Judge Blackstone's Comment*, b. 2. c. 6. p. 81.

exempted,

exempted, though they were most severely felt by the lower orders in the state.

It hath been the subject of much dispute, when, by whom, and in what manner, the feudal system of government was introduced into Scotland. It would be improper to revive this unimportant controversy, by repeating the sentiments of different authors, and their arguments in support of these sentiments. Upon the whole, it seems to be most probable, that Malcolm III. surnamed *Canmore*, began the introduction of this system into his dominions, in imitation of his neighbour and contemporary, William I. of England; and that his plan was prosecuted by his successors, as opportunities offered, until it came to be universally established⁴².

Introduc-
tion of the
feudal sys-
tem into
Scotland.

The introduction of the feudal system was productive of several other changes in police and government, particularly in courts and magistrates.

Nothing could be more regular, or more admirably adapted to the speedy, easy, and effectual administration of justice, to persons of all ranks, than the constitution of the Anglo-Saxon courts⁴³. But this beautiful fabric was not respected by the Norman conquerors. For though they did not pull it down by violence, they suffered it to fall into ruins by neglect, and the establishment of other courts.

⁴² See *Essays on British Antiquities*, Essay 1. Sir David Dalrymple's *Annals of Scotland*, p. 30, 31, 32.

⁴³ See vol. 3. c. 3. § 2.

Courts,

In all feudal kingdoms there were three kinds of persons that bore the chief sway, both in peace and war, viz. barons in their baronies, earls in their counties, and kings in their kingdoms. In consequence of this there were three kinds of courts of chief consideration—the baron's court,—the earl's court,—and the king's court.

Baron's court.

In the feudal times, every barony (as hath been already observed) was a little kingdom, and every baron was a petty king; the commander of all the tenants in his barony (who might not improperly be called his subjects) in time of war, and their judge in time of peace. In his court, which was commonly held in the great hall of his castle, and to which all the tenants of his barony owed suit and service, he administered justice to his people, in person, or by his bailiff; not only compelling the payment of debts and the performance of contracts, but also redressing wrongs, and punishing crimes even with capital punishments. Archbishops, bishops, abbots, and priors, who held baronies of the crown, had their courts of the same kind with the secular barons. Even the barons of barons, or those who held manors by military service of the king's barons, had similar courts within their respective manors, but commonly without the privilege of pit and gallows, *i. e.* the power of inflicting capital punishments⁴⁴.

⁴⁴ Spelman. Du Cange, Gloss. voc. *Barones*, *Baronia*, *Furca*.—Regiam Majestatem. Glanvil. Braeton. Fleta.

The title of *earl* before the conquest, and for some time after, was not merely honorary, but official. There was but one earl in every county, who was properly its governor, the general of its forces in times of war, and its chief justiciary or judge in times of peace. The court in which the earl presided, was the county-court; and as a reward or salary for acting in his judicial capacity, he received the third penny of all the dues, amerciaments, and profits, arising in that court⁴⁵. This in the Anglo-Saxon times, and even during some part of the reign of William I. was a court of great power and dignity, in which the bishop of the diocese sat with the earl, and on which all the abbots, priors, barons, knights, and freeholders of the county, were obliged to attend. In this little parliament all the controversies arising in the county, the most important not excepted, were determined, though not always finally, because there lay an appeal from its decrees to a higher court, which shall presently be described. In a county-court of Kent, held in the reign of William I. at Pinendine, there were present one archbishop, three bishops, the earl of the county, the vice-earl or sheriff, a great number of the king's barons, besides a still greater multitude of knights and freeholders, who in the course of three days adjudged several manors to belong to the archbishopric of Canterbury, which had been possessed for some time by

County
court.

⁴⁵ Selden's Titles of Honour, p. 516, &c.

Odo, bishop of Baieux, the king's uterine brother, and by other powerful barons⁴⁶.

Separation
of the
ecclesiasti-
cal from
the civil
part of
county-
courts,
which
occasioned
their de-
cline.

But the county-courts did not continue long after the conquest in this state of power and splendour. For William I. about A. D. 1085, separated the ecclesiastical from the civil part of these courts, prohibiting the bishops to sit as judges, the clergy to attend as suitors, and the causes of the church to be tried in them, but in courts of their own⁴⁷. By this regulation, which is said to have been made in a common council of the archbishops, bishops, abbots, and chief men of the kingdom, the county-courts were deprived, at one blow, of their most venerable judges, their most respectable suitors, and most important business. Besides this, after the departure of the bishops and clergy, the earls disdained to sit as judges, and the great barons to attend as suitors in the county-courts; which by degrees reduced them to their present state. But this was not the worst effect of this most imprudent and pernicious regulation. For by it the kingdom was split asunder; the crown and mitre were set at variance, and the ecclesiastical courts, by putting themselves under the immediate protection of the pope, formed the clergy into a separate state under a foreign sovereign, which was productive of infinite mischiefs and disorders⁴⁸.

⁴⁶ Dugdale Origines Juridicales, p. 30. Hicckesii Dissertat. Epistol. p. 31, &c.

⁴⁷ Wilkin. Concilia, l. 2. p. 368, 369. Hale's History of the Common Law

⁴⁸ Judge Blackstone's Comment. b. 3. c. 5.

The ecclesiastical courts, that were immediately erected in consequence of this fatal statute, were these three: 1. The archdeacon's court. For as the archdeacon was by that statute discharged from sitting as a judge with the hundredary in the hundred court, he was authoris'd to erect a court of his own, in which he took cognizance of ecclesiastical causes within his archdeaconry. 2. The bishop's court, or consistory, which received appeals from the archdeacon's court, and whose jurisdiction extended over the whole dioceses. 3. The archbishop's court, which received appeals from the consistories of the several bishops of the province, and had jurisdiction not only over the particular dioceses of the archbishop, but over all the dioceses in the province. From this highest ecclesiastical court appeals lay to the pope, which soon became very frequent, vexatious, and expensive⁴⁹.

Ecclesiastical
courts.

As the king was the chief magistrate of the kingdom, and it was both his duty and prerogative to administer justice to his subjects, he had a court, which was the chief court of the kingdom, in which he performed that duty and exercised that prerogative⁵⁰. This supreme court was commonly called, *curia* or *aula regis*, because it was held in the great hall of the king's palace, wherever he happened to reside⁵¹. In

King's
court.

⁴⁹ Judge Blackstone's Comment. b. 3. c. 5.

⁵⁰ Madox Hist. Excheq. c. 3. p. 58.

⁵¹ Bracton, l. 3. c. 7. Glanvil. de Consuetud. Angliz, passim.

this

this court the king was presumed to be always present, either in person, or by his representatives, the judges of his court, to whom he committed the performance of his duty, and the exercise of his prerogative as the supreme judge in his kingdom. The judges in the king's court, as it was constituted by William I. and continued till near the end of this period, were,—the great officers of the crown,—the king's justices,—together with all the great barons of the kingdom, both temporal and spiritual, who were intitled to seats in this court.⁵²

Great of-
ficers of
the crown.

The great officers of the crown, who were also the leading members of the king's court, were these seven: 1. The chief justiciary, who was an officer of the highest dignity and greatest power, the president of the king's court when the prince was not personally present, and regent of the kingdom when the sovereign was beyond seas, which in this period very frequently happened. 2. The constable of England. 3. The marischal of England, who were both military and civil officers; when acting in their civil capacity, as members of the king's court, their jurisdiction chiefly respected matters of honour and of arms. 4. The high steward of England. 5. The great chamberlain of England. These two great officers had the chief direction of all things in the king's court and palace. The four

⁵² Madox Hist. Excheq. c. 2. c. 3. p. 64. Blackst. Comment. b. 3. c. 4.

last named offices were for the most part hereditary. 6. The chancellor of England, who had the custody of the great seal, and the inspection of all grants to which it was appended. 7. The high treasurer, who had the chief direction of all things respecting the royal revenues⁵³.

The king's justices were persons learned in the laws, who had seats in this supreme court, in order to inform the other members what the law of the land was in every case. This great court was divided into several chambers, and certain judges sat in each of these chambers, at particular times, to take cognizance of those matters with which they were best acquainted, and in which they were most interested. Of these chambers the exchequer (so called from a chequered cloth which covered the table) was one, in which the high treasurer and certain barons sat, and regulated all things respecting the revenues of the crown⁵⁴.

Division of
the king's
court.

The jurisdiction of the king's court was universal, extending to all parts of the kingdom, and over all the subjects of it, till the clergy, after long and violent struggles, emancipated themselves in a great measure from its authority⁵⁵. As the Normans were remarkably fond of pomp, some of the sessions of this august tribunal, particularly those at the festivals of Christmas, Easter, and Whitsuntide, were attended with much pa-

Jurisdiction and splendour of the king's court.

⁵³ Madox. Hist. Excheq. c. 3.

⁵⁴ Dialogus de Scaccario.

⁵⁵ Madox Hist. Excheq. c. 3.

rade and show. The king, on these occasions, wore his crown and royal robes; the great officers of state appeared with the ensigns of their respective offices; and all the spiritual and temporal barons, in their richest ornaments. At these ceremonious and magnificent meetings, the ambassadors of foreign princes were introduced, that they might be struck with admiration at the opulence and grandeur of the king and kingdom⁵⁶. To these stated meetings all the members of the king's court came of course, without any summons⁵⁷. In this, and in several other respects, they differed from the common councils of the kingdom⁵⁸.

Parliaments.

Though the powers of this supreme court were great and various, they were all ministerial and executive, and did not extend to the making new laws or imposing new taxes. These two most important branches of police and government belonged to another assembly, that was called (*commune concilium*, or *magnum concilium regni*) the common council, or great council of the kingdom; and sometimes, though very seldom in this period, (*parliamentum*) parliament, from the French word *parler*, to speak.

Who were the constituent members of the parliament.

Who were the constituent members of the great councils or parliaments of this period, is a question that hath been differently answered, and

⁵⁶ W. Malmf. l. 3. p. 63.

⁵⁷ Eadmer, p. 15.

⁵⁸ Hen. Hunt. l. 8. p. 222.

warmly

warmly agitated²⁹. Though the nature and limits of this work will not admit of a full discussion of this question (at present of no great importance), yet a plain and short exposition of what appears to be the truth is necessary. That all archbishops, bishops, abbots, priors, earls, and barons, who held each an entire barony immediately of the king *in capite*, were constituent members of these great councils, hath never been denied, and needs not be proved. Besides these great spiritual and temporal barons, there were many others, who held smaller portions of land, as one, two, three, or four knight's fees, immediately of the king, by the same honourable tenure with the great barons, who were also members of the great councils of the kingdom, and were commonly called the lesser barons, or free military tenants of the crown. Among many evidences that might easily be produced of this, the fourteenth article of the great charter of king John is one of the most decisive, and seems to be sufficient: "To have a common council of the kingdom, to assess an aid otherwise than in the three foresaid cases, or to assess a scutage³⁰, we will cause to be summoned the archbishops, bishops, earls, and

liaments of
this period.

²⁹ Petyt's Rights of the Commons asserted. *Jane Anglorum Facies nova*. Dr. Brady's Tracts, &c. &c.

³⁰ These three foresaid cases were, 1. To make his eldest son a knight; 2. To marry his eldest daughter; 3. To redeem his own person. In all which cases aids were due by tenure, without an act of parliament.

" greater

“ greater barons, particularly by our letters;
 “ and besides, we will cause to be summoned
 “ in general by our sheriffs and bailiffs, all
 “ those who hold of us *in capite*.” The
 lesser barons continued to sit personally in the
 parliaments of Scotland till A. D. 1427, when
 an act was made exempting them from per-
 sonal attendance in parliament, on condition of
 sending representatives⁶². But besides all these
 great and small barons, who by virtue of their
 tenures were obliged, as well as intitled, to sit
 as members in the great councils of the king-
 dom; our historians of this period sometimes
 speak of great multitudes of people, both of
 the clergy and laity, who were present in some
 of these councils⁶³. Eadmerus, the friend and
 secretary of archbishop Anselm, thus describes
 the persons assembled in a great council at
 Rockingham, A. D. 1095, to whom his patron
 made a speech. “ Anselm spoke in this manner
 “ to the bishops, abbots, and princes, or prin-
 “ cipal men, and to a numerous multitude of
 “ monks, clerks, and laymen standing by.”

⁶² Ad habendum commune consilium regni, de auxilio assidendo, aliter quam in tribus casibus predictis, vel de scutagio assedendo, summoniri faciemus archiepiscopos, episcopos, abbates, equites, et majores barones sigillatim, per litteras nostras: et præterea faciemus summoniri in generali, per vicecomites et balivos nostros, omnes illos qui de nobis tenent in capite. Append. N° 1.

⁶³ Essays on British Antiquities, p. 43.

⁶⁴ Spelman. Concil. l. 2. p. 33.

⁶⁴ Assistentem, monachorum, clericorum, laicorum, numerosam multitudinem. Eadmeri Hist. p. 26.

By

By the bishops, abbots, and princes; we are certainly to understand the spiritual and temporal barons. But who are we to understand by "the numerous multitude of monks, clerks, and laymen standing by?" Were they members of this assembly; or were they only spectators and by-standers? If by the multitude of these clerks and laymen, the historian did not mean the lesser barons, it is highly probable that they were only spectators. We are told by several contemporary historians, that the great councils of the kingdom in those times were very much incommoded by crowds of spectators, who forced their way into their meetings. One of these historians thus describes a great council held by king Stephen: "The king, by an edict published through England, called the rulers of the churches, and the chiefs of the people, to a council at London. All these coming thither, as into one receptacle, and the pillars of the churches being seated in order, and the vulgar also forcing themselves in on all hands, confusedly and promiscuously, as usual, many things were usefully proposed, and happily transacted, for the benefit of the church and kingdom." In a great council

⁶⁵ Edicto per Angliam promulgato, summos ecclesiarum doctores, cum primis populi, ad consilium Londonias convocavit. Illis quoque, quasi in unam sentinam, illuc consuentibus, ecclesiarumque columnis sedendi ordine dispositis, vulgo etiam confuse et permixtim, ut solet, ubique se ingerentes, plura ecclesie et regno profutura fuerunt, et utiliter ostensa, et salubriter pertractata.

Gesta Stephani Regis, apud Duchine, p. 932.

held

held at Westminster, May 18th, A. D. 1127, the spectators, who are said to have been innumerable, were so outrageous, that they interrupted the business of the council, and prevented some things from being debated⁶⁶. Upon the whole, it seems to be almost certain, that though great numbers of people of all ranks, prompted by political curiosity, or interested in the affairs that were to be debated, attended the great councils of the kingdom in this period, none were properly members of these councils but those described in the great charter of king John, viz. the spiritual and temporal barons, who were personally summoned; and those who held smaller parcels of land than baronies, immediately of the king, by knight's service, who were summoned edictally by the sheriffs of their respective counties.

Great
power of
the crown.

Besides all the prerogatives that had been enjoyed by his predecessors the Anglo-Saxon and Danish kings of England, William I. acquired a great addition of power by the introduction of the feudal system, which made him the territorial lord as well as sovereign of his greatest subjects. But the greatness of some of these subjects, together with their extensive influence over their vassals and tenants, fortunately formed a kind of counterpoise to the exorbitant power of the crown, prevented it from becoming, or at least from continuing arbitrary; and at length, by

⁶⁶ Spelman. Concil. l. 2. p. 35.

flow degrees, and many struggles (which form the most interesting parts of our history), reduced it within proper limits. All the historians of this period are full of the most bitter complaints of the tyranny of William I. and of his son and successor William II. representing them as acting on many occasions in the most despotic manner, with little or no regard to law, justice, or humanity⁶⁷. “None of his bishops, “abbots, or great men (says Eadmerus of “William I.), dared to disobey his will on any “consideration; but all things divine and human depended upon his nod.” “Whoever “(says Henry of Huntington, speaking of the “same prince) desired to enjoy money, lands, “or even life itself, was under a necessity of “obeying the king’s nod in all things. Alas! “how much is it to be lamented, that any man, “who is but a worm and dust, should forget “death, and arrive at such a height of pride as “to trample on all the rest of mankind⁶⁸!” Of the ferocity and tyranny of his son and successor William II. the historians of those times speak in still stronger terms. “He was more “fierce (says one of them) than human nature “seemed to be capable of. By the advice of

⁶⁷ Eadmeri Hist. p. 6. 83. 94. M. Paris, p. 4. col. 1. M. Westmonast. l. 2. p. 3. W. Malmf. l. 3. Simon D n. p. 206. Brompt. 962. Ingulph. p. 316. G. Neubigen. p. 357. Alurid. Beverlien, p. 124. Hen. Hunt p. 213. col. 1. Anglia Sacra, l. 2. p. 413. Anglica Normannica Camdeni, p. 32.

⁶⁸ Hen. Hunt. l. 6. p. 213. col. 1.

“ the worst men, which he always followed, he
 “ harassed his neighbours with war, and his own
 “ subjects with armies and taxes; and England
 “ was so miserably oppressed that it was brought
 “ to the very brink of ruin ⁶⁹.”

Great re-
 venues of
 the crown.

The great revenues of these princes contributed not a little to increase their pride, and support their power; especially as these revenues were, for the most part, considered as their undoubted property, and did not depend on the generosity or good-will of their subjects. Besides all the revenues arising from the royal demesnes, and from the rents, aids, wardships, marriages, and scutages of all the immediate vassals of the crown, which have been already mentioned; money flowed into the coffers of the first Norman kings of England, from all the following sources, escheats, vacancies, tallages, taxes, tolls, customs, oblations, amerciaments, moneyage, farms of counties, cities, towns, and corporations, queen-gold, impositions of various kinds upon the Jews, &c. &c.

Escheats
 and for-
 feitures.

Escheats and forfeitures formed a great branch of the royal revenue in those turbulent times, when civil broils were frequent, when estates escheated into the king's hands on the failure of lineal descendants from the persons to whom they had been granted, and when the immediate vassals of the crown forfeited their lands, not only for treason against the king as sovereign of the

⁶⁹ Hen. Hunt. l. 7. p. 217. col. 1.

state,

state, but for various offences against him as their feudal lord,—such as, declining to do him homage,—to swear fealty,—to attend his court,—to serve him in the field,—for betraying his secrets,—abetting his enemies,—affronting his person,—debauching his wife, his daughters, or near relations,—and, in a word, for doing any thing that made them unworthy of being the companions of their superior lord, the members of his court, and the peers of his other barons⁷⁰. These escheats and forfeitures formed so capital a part of the royal revenue, that a particular court or office, called the *escheatry*, was erected for the management of them⁷¹.

When an archbishopric, bishopric, abbey, or priory, of royal foundation, became vacant, the temporalities were seized and enjoyed by the king during the vacancy. This, it is probable, was intended to correspond to the profits arising from the wardship of the temporal barons, and in some reigns, when many of the richest sees were kept vacant several years, it must have made a great addition to the revenues of the crown⁷².

Ecclesiastical vacancies.

The kings of England, in this period, were not always contented with the ordinary annual rents which they received from the cities, towns, freemen, and tenants of their demesnes, and of the escheats and forfeitures in their hands; but

Tallages.

⁷⁰ Lib. Feud. l. 1. tit. 21. l. 4 tit. 21. l. 39. 44. &c. Craig de Feud. l. 3. passim.

⁷¹ Madox Hist. Excheq. c. 10. p. 20. ⁷² Id. ibid. p. 207, &c.

on some occasions they exacted certain extraordinary payments, called *tallages*, or *cuttings*, from the French word *tailler*, to cut; because by them a certain proportion of the goods of these cities, towns, socmen, and tenants, as a tenth, a fifteenth, a twentieth, or thirtieth part, was cut off and appropriated to the king's use⁷³. As neither the frequency nor the quantity of these tallages were ascertained in the former part of this period, they became the occasion of great oppression to the subjects, and a source of much treasure to the crown⁷⁴.

Taxes.

The ignominious tax called *danegild*, though the reason for which it had been imposed no longer existed, continued to be levied through a great part of this period. It seems to have been a stated article in the annual charge against the sheriffs of the several counties, who collected and paid it into the exchequer. The annual *danegild* for the county of Surry was £. 185 : 6 : 0, for Essex £. 252 : 6 : 0⁷⁵. These appear at present to be trifling sums, but they were of considerable value in the times we are now considering.

Tolls and customs.

Tolls levied at bridges, and in fairs and markets, with the customs on goods exported and imported, made a part of the royal revenue, that will be more particularly described in another place⁷⁶.

⁷³ Du Cange Gloss. voc. *Tallagium*. Madox Hist. Excheq. c. 17.

⁷⁴ Eadmeri Hist. p. 83. ⁷⁵ Madox Hist. Excheq. c. 17. p. 476.

⁷⁶ See chap. 6.

Fines,

Fines, free-gifts, and oblations, formed one of the most abundant sources of the riches of the kings of England in this period. It is hardly possible to enumerate all the various occasions on which valuable presents were made to these princes. No franchise or privilege of any kind could be obtained from the crown without a fine or oblation proportioned to its value. Great fines were paid by prodigious numbers of people, in order to obtain justice, and that they might be allowed the benefit of a legal trial; while others gave great gifts to procure the royal interposition for preventing law-proceedings against them; and not a few agreed to give one half, or a third or fourth part, of their lawful debts, to the king, that they might procure payment by his authority⁷⁷. In a word, justice was openly sold by these sovereigns to their subjects; which made the famous article in the great charter against selling, delaying, and denying justice, very necessary. No office, either in church or state, could be obtained without a bribe; and in some reigns, even bishoprics were exposed to sale, and bestowed on the highest offerers⁷⁸. There was hardly any business so contemptible, or so dishonourable, in which some of our princes in this period did not engage for money; nor did they disdain to accept of dogs, hawks, hens, lampreys, shads, and such poultry presents, when they could not obtain more valuable bribes.

⁷⁷ Madox Hist. Excheq. c. 12.⁷⁸ Eadmeri Hist. p. 14.

For money they sold even their love and hatred, and were pleased or angry, friends or enemies, as they were paid. To complete their shame, all these articles of their revenues are regularly entered in the public records, where they still remain undeniable monuments of their venality ⁷⁹.

Amerciaments.

Amerciaments formed another very ample source of wealth to the kings of England in this period. These were often excessive, and were imposed on a thousand different occasions, not only for real crimes, but for trivial or imaginary offences, and on the most frivolous pretences. In the records of those times we meet with many persons who were severely amerced for making foolish speeches, or returning foolish answers, and even for having short memories, or being ignorant of things which they could not possibly know ⁸⁰. On these accounts amerciaments were the sources of infinite vexations to the subjects, as well as of great riches to the sovereigns of England in this period. They fell heavy, not only on the common people, but upon the greatest prelates and most powerful barons of the kingdom; which gave occasion to the 27th article of the great charter, in which it is declared,—“That earls and barons shall not be
“ amerced except by their peers, and according
“ to the degree of their offence ⁸¹.”

⁷⁹ Madox Hist. Excheq. chap. 13.

⁸⁰ Id. *ibid.* chap. 14.

⁸¹ See Appendix, N^o 1. N^o 2.

Moneyage was a tax that had been levied in Normandy long before the conquest, and was levied in England by the first and second Norman kings²². By it, one shilling was paid on every hearth once every three years, to prevail upon the king not to debase the coin. For these princes insisted on being paid, not only for doing good, but for not doing all the evil that was in their power. This tax was abolished by the charter of liberties granted by Henry L.²³

Money-
age.

The farms of counties, and of cities, towns, and corporations, or gilds, brought very considerable sums into the royal coffers in this period. The profits arising from law-proceedings in the county-courts were divided between the king and the earls of the county, two thirds belonging to the former, and one third to the latter. The king's part of these profits was farmed from year to year by the sheriffs, together with some other small articles of revenue, for a certain sum of money, which they paid into the exchequer. The far greatest part of the cities and towns of England belonged to the royal demesnes, and their inhabitants held their lands and houses immediately of the king; who commonly granted the farm of all the rents and gilds due to him from all the citizens or burgeses, for their lands and houses, to the community, or to the chief magistrate, in name of the community, for a

Farms of
counties,
&c.

²² Hale's Hist. Common Law, p. 116.

²³ M. Paris, p. 33. col. 2.

certain rent to be paid yearly into the exchequer. For the further encouragement of towns and cities, and for promoting commerce and arts, the monarchs of England, in this period, formed the inhabitants of these towns and cities, of certain professions, as merchants, goldsmiths, weavers, &c. into corporations or gilds, to whom they granted various privileges, for which they paid certain sums of money yearly into the exchequer²⁴.

Queen
gold.

When a sum of money was due to the king, an additional sum was payable to the queen-consort, called (*aurum reginae*) *queen-gold*. The proportion in some cases, perhaps in all, was one pound, mark, or shilling, on every hundred pounds, marks, or shillings; or, as we now express it, one per cent²⁵.

Imposi-
tions on
the Jews.

The Jews settled in England in this period were both very numerous and very wealthy; but their wealth was entirely at the mercy of the king, who seized any proportion of it he pleased at any time he thought proper. A degree of power which is seldom used with moderation, and which was much abused by some of our princes, who extorted prodigious sums of money from the Jews, by the most cruel and violent methods. Of the greatness of these sums, we may form some conception from the following examples. Isaac, the Jew of Norwich, was fined

²⁴ Madox Hist. Excheq. chap. 10. Brady of Burghs, passim.

²⁵ Dialogus de Scaccario, l. 2. c. 26.

to king John in the enormous sum of ten thousand marks (equal in value and efficacy to one hundred thousand pounds of our money at present), to be paid at the rate of one mark a-day during life. A considerable part of this sum was accordingly paid by Isaac in his life-time, and the remainder by his heirs⁸⁶. A Jew of Bristol is said to have paid an equal sum to the same prince⁸⁷. In a word, the revenues squeezed from the Jews on various pretences, were so great, that a particular exchequer, called *the exchequer of the Jews*, was established for their receipt, and a number of officers appointed for their management⁸⁸.

From the above enumeration of the several sources of the revenues of the Norman kings of England in this period, though far from being complete, it is sufficiently evident that these revenues were very great. We are assured by an author who was born in England only nine years after the conquest, that those of William I. amounted to the incredible sum of £ 1061 : 10 : 1½ per day, which (neglecting the fraction) was equal in efficacy to £ 15,915 of our money per day, and to £ 5,808,975 per year⁸⁹. This account, extravagant as it may appear, is not very different from that which is given by Roger Hoveden, a contemporary historian, of the revenues,

Annual
revenue.

⁸⁶ Madox Hist. Excheq. chap. 7. p. 153; 154.

⁸⁷ M. Paris, p. 160. col. 1.

⁸⁸ Id. ibid. chap. 7.

⁸⁹ Orderic. Vital. apud Duchesne. p. 523.

of England in the reign of Richard I. When Hubert archbishop of Canterbury was about to resign the office of high justiciary, A.D. 1196, he proved from his books, that the revenue he had collected in England in the two preceding years, was no less than eleven hundred thousand marks of silver⁹⁰. A great sum, equivalent to £ 11,000,000, at the above rate of computation, in two years, or £ 5,500,000 in one year. But though it should be allowed that both these accounts are exaggerated, we have still no reason to be surprised, that the kings of England in this period kept such splendid and numerous courts—lived in so much affluence—entertained all their prelates and nobles at the three great festivals—endowed so many monasteries, built so many strong castles, and magnificent churches—carried on so many wars—and after all left so much money in their treasury when they died.

Changes
in the
laws of
England.

It is now time to take a view of some of the most important changes that were made in the laws of England, and in the forms of judicial proceedings in the reign of William I. It is indeed true, that William at his coronation took a solemn oath,—“ To keep and establish right laws, and to prevent rapine and unjust judgment⁹¹.” But he either paid no regard to that oath, or did not think himself bound by it, to support the laws which he found established. For we have the clearest evidence, that he had

⁹⁰ R. Hoveden. Annal. p. 437. col. 1.

⁹¹ Id. ibid. p. 258.

a predi-

a predilection for the laws and customs of his native country, and endeavoured to introduce them into England. This is asserted in the plainest terms by Eadmerus, a man of learning, virtue, and integrity, who flourished in those times.

“ William, having a desire that the customs and laws which his ancestors, and he himself, had observed in Normandy, should be observed in England, made those men bishops, abbots, and princes (earls and barons), who would esteem it dishonourable to oppose his laws in any thing, and who dared not to lift up their heads against him. The English (says Ingulphus, who had been secretary to the conqueror) were so much abominated, that, whatever their merit might be, they were deprived of all their offices, and strangers, though of inferior abilities, were put into their places⁹².” In consequence of this conduct, in the course of a few years, all the archbishops, bishops, abbots, earls, and barons, together with all the judges and pleaders in all the courts of England, were Normans⁹³.

This naturally produced many changes, and introduced many Norman laws and customs, without particular statutes for that purpose. One natural consequence of this total change of judges and pleaders in the English courts, was the introduction of the Norman or French language into these courts, because it was the only

⁹² Eadmer. Hist. p. 6.

⁹³ Ingulphi Hist. p. 513. col. 1.
language

language the pleaders could speak, or the judges understood⁹⁴. The clerks and scribes also, in all these courts, were necessarily Normans; which occasioned the disuse of the Saxon and the introduction of the French manner of writing. This produced various changes in the forms of legal deeds and charters, particularly in the manner of their confirmation, which, in the Anglo-Saxon times, had been by the subscriptions of many witnesses, with the sign of the cross prefixed to each of their names; but, in the Norman times, by seals impressed upon them, or appended to them⁹⁵. Almost all the advocates, as well as the clerks, in the courts of England in this period, were clergymen, from which the clergy got the name of clerks; and the Anglo-Norman clergy were so generally practitioners in law, that it became a proverb,—“There is no clergyman who is not a cause-pleader⁹⁶.” This, however, did not contribute much to the impartial administration of justice; for the best writers of this period represent those clerical advocates as the most covetous and venal of all men⁹⁷.

The judicial com-
bat.

Fire and water ordeals had been used in Normandy, as well as Britain, before the conquest, and were therefore continued in England after

⁹⁴ Ingulphi. Hist. p. 513. col. 1.

⁹⁵ Id. ibid.

⁹⁶ W. Malmf. l. 4. p. 70. col. 1.

⁹⁷ J. Sarisburiensis, p. 289. 292. Petrus Blisenfis, Epist. 25. p. 45. Epist. 26. p. 46.

that

that event⁹⁸. But the judicial combat, or duel, though it had been long established in France and Normandy, and other countries on the continent, both by laws and custom, was first introduced into England by the Normans⁹⁹. This, like other ordeals, was an appeal to the judgment of God for the discovery of the truth or falsehood of an accusation that was denied, or a fact that was disputed, founded on this supposition,—*That heaven would always interpose, and give the victory to the champions of truth and innocence.* As the judicial combat was esteemed the most honourable, it soon became the most common method, of determining all disputes among martial knights and barons, both in criminal and civil causes. When the combatants were immediate vassals of the crown, the combat was performed with great pomp and ceremony in presence of the king, with the constable and marshal of England, who were the judges; but if the combatants were the vassals of a baron, the combat was performed in his presence. If the person accused was victorious, he was acquitted of the crime of which he had been accused; if he was defeated, he was thereby convicted, and subjected to the punishment prescribed by law for his offence. If he was killed, his death was considered both as the proof and

⁹⁸ Hoveden. Annal. p. 314. col. 1. Eadmer, p. 48.

⁹⁹ Leg. Aleman. tit. 44. Burgund. tit. 45. Bajwar, tit. 2. Coutumiere de Normand. part. 2. c. 2. Hoveden. Annal. p. 343.

punishment of his guilt. If the accuser was vanquished, he was, by the laws of some countries, subjected to the same punishment that would have fallen upon the accused; but in England the king had a power to mitigate or remit the punishment. In civil cases the victor gained, and the vanquished lost his cause. Many wise laws were made for regulating the times and places of such judicial combats, the dress and arms of the combatants, and every other circumstance; which are too voluminous to be here inserted¹⁰⁰. Several kinds of persons were by these laws exempted from the necessity of defending their innocence, or their properties, by the judicial combat; as women, priests, the sick, infirm, or maimed, with young men under twenty, and old men above sixty years of age. But all these persons might, if they pleased, employ champions to fight in their causes¹⁰¹. It may not be improper, for the further illustration of this singular mode of trial, to give a very brief narration of two judicial combats that were fought in this period, one in a criminal, and the other in a civil cause.

Judicial
combat in
a criminal
cause.

Henry de Essex, hereditary standard-bearer of England, fled from a battle in Wales, A. D. 1158, threw from him the royal standard, and cried out, with others, that the king was slain.

¹⁰⁰ See Du Cange, Gloss. voc. *Duellum*. Spelman, Gloss. voc. *Campus*. Bracton, l. 2. tract. 2. c. 21. Fleta, l. 1. c. 34, 35.

¹⁰¹ Glanvill. de consuetud. Angl. l. 14. c. 1.

Some time after, he was accused of having done this with a treasonable intention, by Robert de Montfort, another great baron, who offered to prove the truth of his accusation by combat. Henry de Essex denied the charge, and accepted the challenge. When all preliminaries were adjusted, this combat was accordingly fought, in the presence of Henry II. and all his court. Essex was defeated, and expected to be carried out to immediate execution. But the king, who was no friend to this kind of trial, spared his life, and contented himself with confiscating his estate, and making him a monk in the abbey of Reading ¹⁰².

The priory of Tinmouth, in Northumberland, was a cell of the abbey of St. Alban's. One Simon of Tinmouth claimed a right to two corrodies, or the maintenance of two persons in the priory, which the prior and monks denied. This cause was brought before the abbot of St. Albans, and his court-baron, who appointed it to be tried by combat on a certain day before him and his barons. Ralf Gubion, prior of Tinmouth, appeared at the time and place appointed, attended by his champion, one William Pegun, a man of gigantic stature. The combat was fought, Pegun was defeated, and the prior lost his cause; at which he was so much chagrined, that he immediately resigned his office ¹⁰³. This

Judicial
combat in
a civil
cause.

¹⁰² W. Neubrigen, l. 2. c. 5. J. Brompt. ad ann. 1138. p. 1048.

¹⁰³ M. I aris, vita Abbot St. Albani, p. 78. col. 2.

judicial

judicial combat is the more remarkable, that it was fought in the court of a spiritual baron, and that one of the parties was a priest.

Introduc-
tion of
trials by a
jury.

The trial of criminal and civil causes by a jury of twelve men, which makes so distinguished a figure in English jurisprudence, seems to have been introduced in the reign of William I. and was probably one of those customs which he had seen observed in his native country, and which he wished to see observed in England¹⁰⁴. For this custom had prevailed in Scandinavia in very remote ages, was brought from thence into that part of France which was possessed by Rollo and his followers, and from them called Normandy, where it was preserved till it was imported into England at the conquest¹⁰⁵. This custom was not established at once by any positive statute, but came into use by slow degrees, and was far from being common in the former part of this period, when almost all causes were tried by ordeals of one kind or other. But in the reign of Henry II. after a law was made allowing the defendant, in a criminal or civil process, to defend his innocence, or his right, either by battle, or by a jury of twelve men, called the *grand assize*, this last method, as being the most rational, became more and more frequent, till at length it obtained a complete victory over the judicial combat, and every other ordeal¹⁰⁶.

¹⁰⁴ Eadmer Hist. p. 6.

¹⁰⁵ Hickeſii Diſſertat. Epiſt. p. 37.

¹⁰⁶ Glanvill. l. 14. c. 1.

This

This victory however was not obtained till long after the conclusion of this period.

That there was a very great similarity between the laws of England and of Normandy, soon after the conquest, is undeniable, and may be seen by any one who will take the trouble of comparing the work of Ranulph de Glanvill, chief justiciary to Henry II. *of the laws and customs of England*, with the grand coutumière of Normandy. This similarity doth not subsist only in matters of essential justice, which are or ought to be the same in all countries; but in the rules of descents, the terms of limitations, the forms of writs, and many other things of an indifferent nature, which could neither have arisen from necessity, nor have fallen out by accident ¹⁰⁷. The only question is, how this similarity was produced; whether by the exportation of the English laws into Normandy, or the importation of the Norman laws into England? Something of both these might have happened in the course of time; but in the reign of William I. it is evident, both from the nature of things, and the testimony of historians, that the current of the exchange of laws and customs run strong from Normandy into England ¹⁰⁸.

Similarity
of the laws
of Eng-
land and
Norman-
dy.

But notwithstanding all the changes that were made in the ancient constitution, government, and laws of England by the conquest, it must

The an-
cient con-
stitution
and laws of
England

¹⁰⁷ Hale's Hist. of the Common Law, p. 120, &c.

¹⁰⁸ Eadmeri Hist. p. 6.

not quite
destroyed
by the con-
quest.

not be imagined that they were quite destroyed. This was very far from being the case. Many of them were preserved, and even adopted, by the conquerors. Roger Hoveden, and several other historians after him, tell a very formal story on this subject¹⁰⁹: That in the fourth year of his reign, William the Conqueror, by the advice of his barons, summoned twelve of the most noble and learned of the English out of every county, and that when they were assembled, he commanded them to make a collection of the ancient laws of their country. That they accordingly performed this, and collected the following laws, which William commanded to be observed. They then subjoin a copy of these laws. But, to say nothing of the great improbability that Norman barons would make such a proposal in favour of the English and their laws, there is a passage in one of these laws themselves, which demonstrates that this story cannot be true; for in the eleventh of these laws, concerning the tax called danegeld, there is this passage: "That this tax had never been levied on the lands of the church till the reign of William the younger, called William Rufus¹¹⁰." Now it is perfectly impossible, that a transaction which happened in the reign of William Rufus, could be mentioned in a collection of laws made in the fourth year of his

¹⁰⁹ R. Hoveden. Annal. p. 343. Chron. Ecclef. Lichfiden. apud Selden Spicileg. in Eadmer. p. 171. Hef. Knyght. col. 2355.

¹¹⁰ Ingulphi Hist. ad fin.

father's reign. But though this story cannot be true, as it is related by these writers, it is highly probable, or rather certain, that William I. in some period of his reign, gave his sanction to a system of ancient English laws, with some additions and alterations of his own. For we are told by Ingulphus, a writer of undoubted credit, who was an intimate friend and favourite of the Conqueror; "I brought with me, at the same time (A. D. 1081) from London to my monastery, certain laws of the most righteous king Edward, which my illustrious lord king William had promulgated as authentic and perpetual, and to be inviolably observed through the whole kingdom of England, under the severest penalties ¹¹¹." These laws are published by the learned Mr. Selden, in his notes on Eadmerus, from an ancient transcript of the original, which, he says, was still preserved at Croiland in Lincolnshire ¹¹². These laws are written in the French or Norman language of the eleventh century; and consequently are very obscure, and in some places hardly intelligible. They are all of a penal nature, fifty in number, and are evidently a compilation from several systems of Anglo-Saxon laws ¹¹³. In another system of laws published by the Conqueror, there is one commanding all the laws of Edward the Confessor to be observed, with the additions that he had made to them, for the be-

¹¹¹ Eadmer, p. 172.¹¹² Id. *ibid*.¹¹³ Id. p. 173—189.

nefit of the Englifh ¹¹⁴. This probably refers to thofe laws which Ingulphus brought with him from London.

Great attachment of the Englifh to their ancient laws.

The great veneration that William I. professed to entertain for the memory of Edward the Confessor, from whose laft will he pretended to derive a title to the crown, might contribute something to preserve fome of the ancient Englifh laws and customs. But their prefervation was chiefly owing to the invincible attachment of the native Englifh to their ancient laws. This was fo great, that they feem to have been written on their hearts, and they never ceafed to cry for their reftoration. On fome occasions, when their affiftance was wanted, their cries were heard; and from time to time, many of thofe liberties which had been torn from them by the hand of violence, were reftored. This will appear in part in the fubfequent fection of this chapter, but more fully in the following volumes of this work.

Great conformity of the laws of England and Scotland in this period.

It is unnecessary to fpend any time in delineating the constitution, government, and laws of Scotland, in this period, as they feem to have been the fame with thofe of England above defcribed ¹¹⁵. This we learn by comparing the treatife of Glanvill with the moft ancient collection of the Scotch law, called *regiam majestatem*. From thence it plainly appears, that

¹¹⁴ Eadmer. p. 192.

¹¹⁵ Hale's Hift. of the Common Law, c. 10. p. 189-195.

the laws of the two British kingdoms were then the same in many particulars, in which they are now different, though under the same sovereign, and forming one kingdom. Of this remarkable circumstance it may not be improper to give a few examples. By the ancient law of England, the subsequent marriage of the parents did not legitimate the children of the same parents born before that marriage; which still continues to be the law of that country¹¹⁶. This was also the law of Scotland in the period we are now considering¹¹⁷; but the contrary rule of the civil and canon law hath been long since adopted in North Britain. The trial of civil causes by a jury of twelve men, was known in England in this period, and is still considered as one of the most excellent properties of English jurisprudence, and most valuable privileges of English subjects¹¹⁸. Juries of twelve men were also used in Scotland, in those ancient times, in civil as well as criminal causes, as appears from the authorities quoted below, and examples recorded in history¹¹⁹. But it is well known, that the use of juries in civil causes, except in the court of exchequer, hath been long since discontinued in Scotland. Several things no doubt contributed to this remarkable uniformity between the laws of the two British kingdoms in those ancient

¹¹⁶ Glanvill, l. 7. c. 15. ¹¹⁷ Regiam Majestatem, l. 2. c. 19. 51.

¹¹⁸ Glanvill, l. 1. c. 14. l. 2. c. 13. 16. 18, 19. l. 7. c. 12, &c. &c.

¹¹⁹ Regiam Majestatem, l. 1. c. 12, 13, 14. l. 2. 19. 32. 43. Chron.

Mailrose, p. 176.

times, but one of the chief causes of it seems to have been,—that the kings of Scotland were feudatories to the kings of England for the lands they held of them in that kingdom. This obliged those princes to be often present in the courts and parliaments of England, where they became acquainted with, and contracted a fondness for English laws and customs, which they introduced into their own dominions.

SECTION II.

History of the changes in the Constitution, Government, and Laws of England, in the reigns of William II. Henry I. Stephen, Henry II. Richard I. and John, from A.D. 1087, to A.D. 1216.

AS the most important changes in the English constitution were made, either in the reign of William I. by the establishment of the feudal system; or in the reign of John, by the limitation and mitigation of the severities of that system, it will not be necessary to dwell long on the five intermediate reigns.

Succession
to the
crown of
England
unsettled.

The succession to the crown of England, after the death of Edward the Confessor, became so unsettled, that it seemed to be set up as an object of ambition to every bold invader, who had but a slight pretence, together with power and courage to seize the glittering prize. To say nothing

nothing of Harold and the Conqueror, the three successors of this last, William, Henry, and Stephen, are esteemed by many no better than usurpers, and most certainly reigned with a disputed title.

This proved a most fortunate circumstance to the native English; and to their posterity, as it contributed not a little to raise them from that insignificancy into which they had been depressed. It even contributed to the preservation of what was left, and to the restoration of what had been lost, of their ancient liberties. For the Norman barons having estates both in Normandy and England, naturally desired to see the ducal and royal crown on the same head, that they might enjoy their estates in both countries. Many of these barons therefore favoured and were ready to support the pretensions of Robert duke of Normandy, eldest son of William I. to the crown of England, first against his younger brother William, and afterwards against his youngest brother Henry. This obliged both these princes to have recourse to the native English, who were still formidable by their numbers, after all the losses they had sustained. “ William Rufus (says a contemporary historian) “ seeing almost all the Normans in England “ conspiring against him, invited, by letters, “ the bravest and most respectable among the “ English who were yet remaining, to come to “ him; and complaining to them of the dis- “ loyalty of the Normans, he prevailed upon

This circumstance advantageous to the ancient English.

“ them to engage in his quarrel, by promising
 “ them good laws, an abatement of taxes, and
 “ the liberty of hunting.—He called them his
 “ dear English, exhorted them to collect their
 “ countrymen, under the penalty, that every
 “ one who did not come, should be called a
 “ *Nidering*, a name which he knew none of
 “ them could endure. In consequence of this,
 “ such multitudes of the English crowded to
 “ the king, that he soon formed an invincible
 “ army¹.” It is very true, that as soon as the
 storm was blown over, William violated all his
 promises, and proved a greater tyrant and op-
 pressor than his father². But still this transac-
 tion was of some use, as it raised the English from
 their neglected state, and taught them their own
 importance.

Charter of
 Henry I.

As the title of Henry I. was liable to the
 same objection with that of his brother Wil-
 liam; so he was exposed to the same danger,
 on his accession to the throne, and had recourse
 to the same expedient, with this only difference,
 that he put his promises in writing, in the form
 of a charter, and extended them to all his sub-
 jects³. This charter contained many mitigations
 of the most distressing articles of the feudal sys-
 tem, to gain the Normans, with an express re-
 storation of the laws of Edward the Confessor, to
 please the English⁴. It cannot be denied, that

¹ W. Malmf. l. 4. p. 68.

² M. Paris, p. 37. col. 2.

³ M. Paris, p. 38. Richard Hagliffad, col. 310.

⁴ See Appendix, N^o 1.

the written promises of Henry were shamefully violated as well as the verbal ones of William; but his charter being in writing, and copies of it being sent into every county, and deposited in every monastery; had greater effects, by diffusing and cherishing the love of liberty, and equal laws, among the Normans, as well as English⁵. It served also as a model, on which the great charter of liberties, in the reign of king John, was formed. Henry I. promulgated also a system of laws, as he had promised in his charter, consisting of the laws of Edward the Confessor, with some alterations that had been made in them by his father the Conqueror⁶.

As the usurpation of king Stephen was more unjustifiable in many respects than that of the two former kings, so he was more liberal of his promises of good laws and good government, than any of his predecessors. These promises were made with great solemnity on the day of his coronation, and were soon after confirmed by a charter⁷. But the credit of royal promises and royal charters was now become so low, that the clergy, and some of the barons, swore fealty to Stephen only as long as he kept his promises and observed his charters⁸. His conduct soon justified their suspicions. By violating all his

Charter of
king Ste-
phen.

⁵ M. Paris, p. 39. col. 1.

⁶ Lambard *Archaio. om.* 175. Wilkin. *Leges Anglo-Saxon.* p. 233.

⁷ W. Malmf. *Hist. Novellæ*, l. 1. p. 102. R. Hoveden, *Annal.* p. 276. Hen. Hunt. p. 222. col. 1.

⁸ W. Malmf. *ibid.* p. 102. col. 1.

promises, he excited a civil war, which raged during his whole reign; and effectually prevented any amendment of the constitution.

Introduc-
tion of the
study of
the civil
law.

It was in this turbulent reign that the pandects of Justinian were brought into England from Rome by some of archbishop Theobald's attendants; and Roger Vacarius, prior of Bec, read lectures upon them to very crowded audiences, both of the clergy and laity⁹. Great opposition, however, was made to the introduction of those laws; and John of Salisbury tells us, that he had seen some who were so much enraged against them; that whenever they met with a copy of the Roman law, they tore it in pieces, or threw it into the fire. King Stephen, out of hatred (as the learned Mr. Selden thinks) to archbishop Theobald, joined in this opposition, by publishing an edict, imposing silence on Vacarius, and prohibiting any one to read the books of the civil law¹⁰. But this edict did not put a stop to the study of the civil law, as will afterwards appear.

Charter of
Henry II.

Though the title of Henry II. to the crown was more clear and unexceptionable than those of his three predecessors, he thought it prudent, on his accession, to conciliate the affections of his subjects, by granting them a charter, confirming that of his grandfather Henry I.¹¹ This great prince, in the course of his long reign, made

⁹ J. Sarisburien. l. 8. c. 22. p. 672.

¹⁰ Id. ibid. Selden, apud Fletam, c. 7.

¹¹ Judge Blackstone's Law-tract, vol. 2. p. 11.

several

several improvements in the law, especially in its forms, in the manner of its administration, and the practice of its courts. This appears very plainly from that most ancient treatise of the laws and customs of England, written by, or at least published under the name of, Ranulph de Glanvill, who was chief justiciary to this king¹². Some of these improvements merit a place in history.

The unhappy separation of the ecclesiastical from the civil courts made by William I. had by this time produced the most fatal consequences. For the former of these courts had not only become terrible to persons of all ranks, by their interdicts, excommunications, and other censures; but the clergy, in consequence of this separate jurisdiction, to which alone they pretended they were responsible, had emancipated themselves in a great measure from all subjection to civil authority, and committed the most horrid crimes with impunity. Henry II. if we may believe one of the best of our ancient historians, was assured by his judges, that the clergy, in the first ten years of his reign, had committed no fewer than one hundred murders, besides many thefts, robberies, rapes, and other crimes, for which they could not punish them¹³. To put a stop to those intolerable evils, and reduce the clergy to the rank of subjects, Henry, in a great

Amend-
ments of
the law in
the reign
of Henry
II.

¹² R. de Glanvilla de Legibus et Consuetud. Angliæ.

¹³ W. Neubrigen. l. 2. c. 16. tom. 1. p. 158.

council,

council, A. D. 1164, enacted the famous constitutions of Clarendon²⁴. These were sixteen in number; and though they cannot be inserted here at full length, it is proper the reader should be made acquainted with their substance, which is as follows:

Constitu-
tions of
Clarendon

1. All pleas between clergymen and laymen shall be tried in the king's courts. 2. Churches in the king's gift shall not be filled without his consent. 3. All clergymen, when accused of any crime, shall be tried in the king's courts; and when convicted, shall not be protected from punishment by the church. 4. Clergymen shall not go out of the kingdom without the king's leave. 5, 6. Regulate the manner of proceedings in the ecclesiastical courts. 7. None of the king's ministers or vassals shall be excommunicated without his knowledge. 8. Appeals from the archbishop to be made to the king. 9. Pleas between a clerk and a layman, whether an estate was in free-alm or a lay-fee, to be tried in the king's court by a jury. 10. One of the king's tenants might be interdicted, but not excommunicated, without the consent of the civil judge of the place. 11. All prelates, who hold baronies of the king, shall perform the same services with other barons. 12. The revenues of vacant sees and abbeys belong to the king. The election of prelates shall be with the king's consent; and they shall swear fealty, and do homage to the

²⁴ Gervas Chron. col. 1385, &c.

king.

king, before their consecration. 13, 14, 15. Direct the manner of proceeding, in case any of the king's barons shall disseise any of the clergy of the lay-fees which they held under them. 16. The sons of villains shall not be ordained without the leave of their masters¹⁵. But the salutary effects of these constitutions, were in a great measure prevented by the invincible opposition of Thomas Becket.

Justice was not always administered in those ancient times, by the barons and sheriffs in the inferior courts, with the greatest wisdom and impartiality; partly owing to the ignorance of the judges, and partly to the prevalence of faction among the suitors in these courts¹⁶. Nor was it an easy matter to procure relief from an iniquitous sentence pronounced by a baron or sheriff, on account of the great distance and unsettled state of the king's court, which constantly attended his person. To remedy these inconveniencies, Henry II. with the advice of a great council of his prelates, earls, and barons, at Northampton, A. D. 1176, divided the whole kingdom into six parts or circuits, and appointed three judges, learned in the law, to hold courts in each of these, by a commission from the king, empowering them to hear and determine all causes not exceeding the value of one half of a knight's fee, unless the matter was of such importance or

Institution
of justices
itinerant.

¹⁵ Gervas Chron. col. 1386, &c.

¹⁶ Hale's Hist. Com. Law, p. 139, &c.

difficulty

difficulty as to require the judgment of the king's court in his royal presence¹⁷. These justices itinerant took an oath, to administer justice to all persons with impartiality¹⁸. They had also authority to judge in all criminal causes and pleas of the crown, and to transact a variety of other affairs for the public good. A small change was made in this excellent institution, A. D. 1179, by dividing the kingdom into four circuits, and allowing a greater number of judges to each of these circuits¹⁹. It is easy to conceive how great a check the circuits of these judges, of superior rank, knowledge, and integrity, must have given to the wantonness and partiality of the inferior courts, and how great an advantage they were to the people, by bringing justice within their reach. It must, however, be confessed, that though the honour of bringing this wise institution to a settled state is due to Henry II. there is sufficient evidence that courts were held, occasionally at least, by itinerant judges in more ancient times²⁰.

Henry II.
a friend to
trials by
juries.

This wise prince was no friend to the superstitious modes of trial by fire and water ordeals, nor to the barbarous one by single combat, especially in civil causes. He therefore endeavoured to introduce trials by juries, or by the oaths of twelve men of the vicinage, called *the grand assize*, as more rational. With this view he

¹⁷ Hoveden. Annal. p. 313.

¹⁸ M. Paris, p. 92. col. 1.

¹⁹ Hoveden. Annal. p. 337.

²⁰ Madox, Hist. Excheq. p. 26, 27, 28.

made a law, allowing the defendant, in a plea of right, to support his title, either by single combat, or by a grand assize, "which (says Glanvill) is a benefit granted to the people by the king's clemency, upon consultation with his nobles, in tenderness of life, whereby men might decline the doubtful success of battle, and try the right to their freehold in the other way."²¹ This was a great improvement in English jurisprudence, and from hence we may date the more frequent use of juries than in former times.

Though Richard I. spent much of his time out of the kingdom, and in the toils of war, he was not inattentive to matters of police and law. The laws which he made for the government of his fleet in his voyage to the Holy Land, are truly curious, particularly the last of these laws, which is to this purpose:—"If any one is convicted of theft, let his head be shaved like a champion's; let melted pitch be poured upon it, and feathers shaken over it, that he may be known, and let him be set on shore at the first land to which the ship approaches"²². To say nothing of his other maritime and mercantile laws, which will be more properly considered in another place, he made some excellent regulations for establishing an uniformity of weights and measures over the whole kingdom²³: a thing much to be desired, but not yet accom-

Improvements of the laws by Richard I.

²¹ Glanvill, l. 2. c. 7.

²² Chron. J. Brompt. apud X Script. col. 1173.

²³ Hoveden. Annal. p. 441.

plished.

plished. This prince gave also very long and particular directions to the justices itinerant for the regulation of their conduct on their circuits. These directions were contained in two capitularies, one relating to the pleas of the crown, and the other to the affairs of the Jews, who, on account of their numbers and riches, were regarded by government with great attention²⁴. Richard I. gave also very particular directions to the justices of his forests, who held forest-courts in all parts of England, at which all archbishops, bishops, earls, and barons, as well as persons of inferior rank, were obliged to attend, and answer to interrogatories²⁵. These directions, which are too long to be here inserted, set the rigour of the forest-laws in so strong a light, that we need not wonder the barons in the next reign insisted upon some articles being inserted in the great charter for mitigating their severity.

Meliorations of the constitution in the reign of king John.

Though king John was certainly one of the worst princes that ever filled the throne of England, his reign will be for ever memorable for the melioration of the constitution by the great charter of liberties that was then obtained. His merit, however, in this melioration was very small, as he contributed to it only by rendering himself odious by his vices, contemptible by his follies, and impotent by his losses, which both constrained and encouraged his subjects to

²⁴ Hoveden. Annal. p. 424.

²⁵ Id. *ibid*.

demand,

demand, and enabled them to obtain, by means already related; this great paladium of English liberty²⁶.

We are indebted to the labours of a learned judge for an accurate history, and correct edition, of the Great Charter of king John, and of the similar charters of his son Henry III. and grandson Edward I.²⁷ From that edition the charter, in the Appendix, N^o 1. is printed; to which a plain and almost literal translation is subjoined, N^o 2. which may be agreeable to some readers.

Magna
Charta or
the Great
Charter.

It is not the province, though it were in the power, of an historian, to give a complete commentary on this famous charter. All the purposes of general history, it is hoped, will be sufficiently answered by a very short analysis, pointing out, in a few words, the grievances and hardships that were intended to be removed, with the liberties and privileges that were designed to be granted, by the Great Charter of king John.

Analysis
of that
charter.

The privileges and liberties that were granted or confirmed to the people of England by this charter, may be divided into these four classes: 1. Those that were granted to the church and clergy. 2. To the earls, barons, knights, and others, who held of the king *in capite*. 3. To cities, towns, and merchants, for the encouragement of trade. 4. To the whole body of free-men. For none of the parties concerned in this

Privileges
granted by
it, divided
into four
classes.

²⁶ See vol. 5. p. 254.

²⁷ Law-tracts, vol. 2.

charter ever entertained a thought of emancipating slaves or villains; and therefore they are mentioned only once, and that for the benefit of their masters.

Privileges
granted to
the church.

As archbishop Langton, and six other bishops, were at the head of the barons who procured this charter, we may be certain that the interests of the church would not be forgotten. But the power and wealth of the clergy were then so great, and their grievances so few, that they had hardly any thing to complain of, or to ask. This is no doubt the reason that there are so few articles in the charter, particularly respecting the church and clergy.

The famous constitutions of Clarendon, made by Henry II. A.D. 1164, had been the great object of the execration and horror of the popes, and of those English clergy who were of their party, for half a century before the granting of the great charter. There is hardly a name in the Latin language, expressive of abhorrence and detestation, which is not bestowed by the monkish writers of those times on these hated regulations²⁸. After a long and violent struggle, in which archbishop Becket lost his life, Henry II. had been obliged to give up the greatest part of his favourite constitutions²⁹. To guard against the restoration of those detested laws, and to eradicate their remains, had been the chief con-

²⁸ Epist. S. Thomæ, p. 52. 210. 288. 450. 467. 499. 576, &c.

²⁹ Vita S. Thomæ, p. 148.

cern of the English clergy for many years. It was evidently with this view that the several articles respecting the church and clergy were inserted in the Great Charter, which seems to be the true key for the right understanding of these articles.

It is declared in the first article, "that the English church shall be free, and have her rights entire, and her liberties unhurt."³⁰ By the freedom here stipulated for the church of England, we are most probably to understand the exemption of the clergy from the jurisdiction of the civil courts, to which they had been subjected by the third constitution of Clarendon.³¹ This pernicious exemption was contended for by Becket, and the great body of the clergy, as if it had constituted the very essence of Christianity, on which the existence of the church depended; and when they had obtained it, they defended it with equal obstinacy. One of the rights of the church, which is particularly mentioned in this first article, is directly contrary to the twelfth constitution of Clarendon. It is the right which John had granted by a particular charter about a year before, to the monks of cathedral churches and abbeys, freely to chuse their own bishops and abbots.³²

The twenty-second article of the charter seems to indicate very plainly, that the freedom granted

³⁰ Appendix, N^o 1, 2.

³¹ Gervas Chron. col. 1386.

³² Id. col. 1388. Rymeri Fœdera, t. 1. p. 197.

to the clergy implied an exemption of their persons as clergymen and of their benefices belonging to the church, from civil jurisdiction. For by that article it is declared, that no clergyman shall be amerced according to the value of his ecclesiastical benefice, but according to his secular estate. A clergyman therefore, who had no secular estate, was not liable to be amerced. One reason of inserting that article seems to have been, that some clergymen, who had secular estates, had been so unreasonable as to plead, that these estates should be exempted from civil jurisdiction, as well as their ecclesiastical benefices.

None of the constitutions of Clarendon was more disagreeable to the pope and clergy than the fourth, which prohibited all archbishops, bishops, and clerks, from going out of the kingdom without the king's leave³³. For by this law the clergy were prevented from prosecuting their appeals and other affairs at the court of Rome, and that court was deprived of much power and riches. This restraint was effectually removed by the forty-second article of the Great Charter, which permitted all persons, the clergy not excepted, to go out of the kingdom and return into it when they pleased³⁴.

Privileges
granted to
the barons,
&c. by the
Great
Charter.

As the earls, barons, and other military tenants of the crown, were the chief instruments of procuring the Great Charter; there are several

³³ Gervas Chron. 1386.

³⁴ Appendix, No 1, 2.

articles in it particularly calculated for their relief and benefit, by mitigating some of the most oppressive rigours and abuses of the feudal system of tenures, under which they groaned. These articles, though they were of great importance, will not require much illustration; as the remedy provided by the charter, clearly enough points out the evils intended to be remedied.

By the second article of the charter, the reliefs of the heirs of earls, barons, and other military tenants of the crown, are fixed and ascertained according to the ancient rate of reliefs³⁵.

By what means this ancient rate of reliefs had been laid aside, we are not informed. But there is sufficient evidence, that in the late reigns, as well as in that of king John, the reliefs of earls and barons had been arbitrary and uncertain. Henry I. says, in his charter which he granted at his accession, "if any of my earls, barons, or other vassals die, their heirs shall not be obliged to redeem their land, as they were in the time of my brother; but they shall be put in possession of it on paying a just and reasonable relief³⁶." Glanvill, who flourished in the reign of Henry II. acquaints us, "that the reliefs for baronies were not fixed; but were according to the pleasure and mercy of the king³⁷." This was also the law of Scotland in this period³⁸. It is easy to imagine how

³⁵ Appendix, N^o 1, 2.

³⁷ Glanvill, l. 9. c. 4.

³⁶ Appendix, N^o 1.

³⁸ Regiam Majestatem, l. 2. c. 71.

great an instrument of oppression the uncertainty of reliefs might be in the hands of such princes as William Rufus or king John, and how great an advantage it was to the military tenants of the crown to have them ascertained.

Though the king reaped great profits from the wardship of the heirs of his earls, barons, and other vassals, when they were minors, and ought therefore to have put them in possession of their lands when they came of age, without exacting any relief or payment of any kind, it appears to have been common to demand a fine proportioned to the value of the estate¹⁹. To correct this abuse, it is declared (article 3.) “that when
“an heir who had been a ward, comes of age,
“he shall have his inheritance without relief or
“fine.”

Sometimes a king of England, in this period, appointed the sheriff of the county, or some other person, to manage the estate of an earl or baron who was his ward, and to pay the profits arising from it into the exchequer. At other times he sold or granted the wardship, with all its profits, to some particular person. In both these cases, the tenants on the estate of the royal wards were often much oppressed, and the estates wasted, by the managers, the grantees, or purchasers, for their own profit. The persons who had the custody of those estates also permitted the castles, houses, mills, parks, &c. upon them to

¹⁹ Madox Hist. Excheq. ch. 13. sect. 8. p. 233:

go to ruin, because they would not be at the expence of repairs. By the fourth and fifth articles of the Great Charter, some partial remedies are provided against these abuses; in which the most remarkable circumstance is this, that the managers of these estates are prohibited from wasting the men, as well as the cattle, woods, and other things upon them⁴⁰. This shews, that the unhappy men who were annexed to their estates, were viewed in the same light, by the mighty champions of liberty, the authors of the Great Charter, as the negroes in our plantations are viewed by their proprietors⁴¹.

. If the heirs of earls, barons, and other military tenants of the crown, were liable to great losses in their fortunes from their sovereign's right of wardship, they were liable to still greater injuries from his right of disposing of them in marriage. In consequence of this unnatural right, the heirs and heiresses of the greatest families and fortunes were frequently sold or granted in marriage to persons disagreeable to them or unworthy of them; or were obliged to preserve themselves from so great a calamity, by paying exorbitant fines. To set some bounds to this intolerable tyranny, it was granted by the sixth article of the Great Charter, "that heirs should not be married to their disparagement, or without the knowledge of their relations"⁴².

⁴⁰ Append. N^o 1, 2. ⁴¹ See Observations upon the Statutes, p. 6.

⁴² Append. N^o 1, 2.

But this was evidently too general and indefinite to be an effectual remedy to so great an evil.

Not only heirs and heiresses, but also widows, were subjected to great oppressions by the feudal system. They were often obliged to pay heavy fines to obtain possession of their dower, and for liberty to remain unmarried, or to marry whom they pleased. Thus Maud countess of Warwick, in the thirty-first year of Henry II. gave seven hundred marks to the king, equal in value and efficacy to seven thousand pounds of our money at present, that she might have her dower, and be at liberty to marry whom she pleased ⁴³. Lucia countess of Chester paid five hundred marks to king Stephen, that she might not be compelled to marry within five years ⁴⁴. King John had carried this part of feudal oppression, as well as all the rest, to a greater height than any former prince; for Alicia countess of Warwick paid him no less than one thousand pounds, that she might not be forced to marry till she pleased ⁴⁵. The seventh and eighth articles of the Great Charter were intended to restrain these abuses ⁴⁶.

While the kings of England acted as if they had been the sole judges both of the quantity of the feudal prestations, of aids, scutages, and tallages, and of the frequency of exacting them, (as they often did in this period), the property

⁴³ Madox Hist. Excheq. ch. 13. sect. 2.

⁴⁴ Id. *ibid*.

⁴⁵ Id. *ibid*.

⁴⁶ Append. No 1, 2.

of their vassals was insecure. For when the king could take any proportion of their goods at any time he pleased, they had, properly speaking, nothing that they could call their own. To prevent this most dangerous abuse in the sovereign, and to prevent his granting permission to inferior feudal lords to be guilty of abusing, in the same manner, their power over their vassals, is the intention of the twelfth and fifteenth articles of the Great Charter⁴⁷. These articles however did not prevent those abuses, which were not effectually removed till long after the conclusion of this period.

So very tyrannical and encroaching had some of our princes been, that when the military vassal of an inferior lord happened to hold a small piece of land of the crown by socage, or burgage-tenure, they claimed the wardship and marriage of his heir, though they most evidently belonged to the lord of whom he held by military tenure. This most unreasonable claim was relinquished by the thirty-seventh article of the Great Charter.

Because it would have been impossible to enumerate all the various unjust vexations to which the military vassals of the crown were liable, and to provide particular remedies for each of them, a general provision is made in the sixteenth article,—“that no man shall be constrained “to do more service for a knight’s fee than what

⁴⁷ Append. No 1, 2.

“is due.” But this provision was too general to be of much use.

Such were the mitigations of some of the greatest rigours of the feudal system, obtained from king John, in this famous charter, by the barons; but none of them were capable of forming an idea of the perfect freedom from all the servilities of that system, which their posterity now enjoy.

One thing which seemed at least to render the above limitations of the power of the sovereign as a feudal lord of greater value, and more universal benefit, was this, that, by the sixtieth article of this famous charter, the same limitations are imposed upon all inferior feudal lords towards their vassals⁴⁸. This article, which was highly reasonable, was probably inserted at the desire of the king; and in the event was so far from extending the benefit of the limitations in the charter, that it contributed not a little to render them ineffectual. For though the great barons were very desirous to prevent the tyrannical exercise of the feudal authority of the sovereign towards themselves; many of them were much inclined to exercise it in that manner towards their vassals, and continued to do so after this charter was granted. This both encouraged our kings to violate all its limitations, and furnished them with a ready answer to all the complaints of their barons. So uncertain are the effects of

⁴⁸ Append. N° 1, 2.

political regulations, and so different do they sometimes prove in fact, from what they promised in theory.

The great barons in this period had in general little knowledge of trade, and little regard for merchants: besides, the cities and towns of England, for almost a century after the conquest, London and a few others excepted, were very inconsiderable, and many of their inhabitants were little better than slaves to the king, or to the barons in whose territories they were situated. But about the middle of the twelfth century they began to emerge from this obscurity into some degree of consideration. Many small towns were made free burghs by the royal charters of Henry II. Richard I. and king John; and had merchants, guilds, and other fraternities established in them, with various privileges, which soon filled them with inhabitants⁴⁹. Many of these free burghs favoured the cause of the barons. The citizens of London, in particular, embraced their party with so much zeal, that they gave them possession of their city, to which they were chiefly indebted for the success of their enterprise⁵⁰. This was probably the reason that the privileges of cities and towns, and the interests of trade, were not quite neglected in the Great Charter.

Privileges granted to towns, &c. by the Great Charter.

It was granted by the thirteenth article of that charter, that the city of London, and all the

⁴⁹ See Brady of Burghs.

⁵⁰ M. Paris, p. 117. col. 1. other

other cities, burghs, towns, and ports of the kingdom, should enjoy all their liberties and free customs, both by land and water⁵¹. In times when law and justice had their regular course, such a stipulation would have been thought unnecessary. But this was far from being the case when fines from cities, towns, and corporations, for licence to use their legal rights and liberties, constituted a considerable branch of the royal revenue⁵². By the twenty-third article it is declared, that towns shall not be compelled to build bridges or embank rivers, except where they are obliged to it by law. It was probably at the desire of the citizens of London that the thirty-third article was inserted, commanding all cruves or wears (then called *keydels*) to be removed out of the rivers Thames and Medway, and other rivers; because they obstructed the navigation of these rivers. This appears plainly from a precept of Henry III. granted about twelve years after this, strictly requiring, “that, for the common utility of the city of London, all keydels in the rivers Thames and Medway, and particularly those near the tower of London, be immediately removed⁵³.” It is also probable that the thirty-fifth article, commanding the London measures of wine, ale, and corn, with an uniformity of weights, to be observed over all the kingdom, was dictated by the Lon-

⁵¹ Appendix, N^o 1, 2.

⁵² Madox Hist. Excheq. c. 11, 12.

⁵³ Coke's Institutes, part second, p. 38.

doners.

Ch. 3. § 2. CONSTITUTION, &c.

doners. Lending money on interest was, in this period, called usury, and prohibited to Christians by the canons of the church, and even by the laws of the land⁵⁴. This branch of business therefore fell entirely into the hands of the Jews, who were the only money-lenders, and commonly great extortioners. It was probably at the suggestion of the Londoners, who had borrowed great sums of the Jews, that the tenth article was inserted in the charter, "that money owing to Jews should pay no interest during the minority of the debtor;" though it must be confessed that this article was equally advantageous to feudal superiors who had the wardship of minors.

One of the greatest obstructions to the progress of commerce in this period, was an impolitic and ungenerous jealousy of strangers in general, and of foreign merchants in particular, that prevailed in England, as well as in several other countries⁵⁵. In consequence of this these merchants were subjected to many restraints and hardships. They were not allowed to come into the kingdom but at certain times, nor to stay above forty days, nor to expose their goods to sale, except at certain fairs⁵⁶. They were often obliged to pay great fines to the king for licence to trade, and much higher customs and tolls of all kinds

⁵⁴ Johnson's Canons; A. D. 785. 17. 1064. 16.

⁵⁵ Observations on the Statutes, p. 21. Leges Wallicæ, p. 330.

⁵⁶ Mirror, c. 1. sect. 3.

than

than natives⁵⁷. Both their persons and their goods were exposed to great violences when a war happened to break out between England and the country to which they belonged. But about this time juster notions of trade began to be entertained by some persons, most probably by the chief citizens of London, and by their influence, an article (the forty-first) very favourable to foreign merchants both in times of peace and war, was inserted in the Great Charter. The language of this article is so plain that it needs no illustration⁵⁸.

Privileges
granted to
all free-
men by
the Great
Charter.

The great barons, who were the chief instruments of procuring this famous charter, may be viewed as acting in the two capacities, 1. of the military vassals of the crown; 2. of the subjects of the kingdom. They consulted their interest in the first capacity, by the limitations of the rigours of the feudal tenures which they procured, in which all who held lands by military services shared with them. They consulted their interest in the second capacity by the amendments they procured in the general police of the kingdom, in which all their fellow-subjects who were freemen, were partakers. These amendments were numerous and important, tending to remove or alleviate the several grievances of which the people in general complained.

⁵⁷ Madox Hist. Excheq. chap. 13. sect. 3. p. 343.

⁵⁸ See Append. N^o 1, 2.

The greatest of all the grievances of which the people of England complained in this period, was,—That the mere will and arbitrary commands of the sovereign were substituted in the place of law, and men were seized, imprisoned, stripped of their estates, outlawed, banished, and even destroyed, without any trial. That this complaint was not without foundation, might be proved by giving examples of every one of these tyrannical acts; but it will certainly be sufficient to give one example in which they are all included, and that taken from the history of the best prince who reigned in this period. Henry II. was so much enraged against Thomas Becket archbishop of Canterbury for his opposition to the constitutions of Clarendon, and his flight out of the kingdom, that he apprehended all his relations, friends, and dependants, to the number of four hundred persons, men, women, and children, confiscated all their estates and goods, and banished them out of the kingdom in the middle of winter, A. D. 1165, obliging all the adults among them to take an oath at their departure, that they would go to Sens, and present themselves to the archbishop⁹⁹. All this was done, not only without any trial, but even without any suspicion or possibility of guilt, as many of the sufferers were infants, by the mere arbitrary command of the king, in order to distress

⁹⁹ Vita S. Thomæ, l. 2. c. 14. p. 82. Epistolæ S. Thomæ, l. 1. Ep. 48. l. 3. Ep. 79.

the archbishop by the sight of so many persons connected with him by the ties of blood or friendship, ruined on his account, and to oppress him with the charge of their support. To put a stop to such outrageous exertions of arbitrary power, the following concession was made by king John in the thirty-ninth article of his charter: "No freeman shall be apprehended, "or imprisoned, or disseised, or outlawed, or "banished, or any other way destroyed, nor "will we go upon him, nor will we send upon "him, except by the legal judgment of his "peers, or by the law of the land⁶⁰:"—the most valuable stipulation in the whole charter, and the grand security of the liberties, persons, and properties of the people of England, which cannot be unjustly invaded if this law is not violated. The expressions,—we will not go upon him,—we will not send upon him,—signify, that the king would not sit in judgment, or pronounce sentence, on any freeman, either in person or by his judges, except by the verdict of a jury, or by a process conducted according to the established laws of the land. By this last expression, trials by ordeals, by judicial combats, and by compurgators, are probably intended, as these were all in use at this time, and agreeable to law.

Next to the substitution of arbitrary will in the place of law, the king's personal interfering

⁶⁰ Append. No 1, 2.

in law-suits depending before his courts, in order to interrupt or pervert the regular course of justice, was one of the greatest grievances of this period. This was done in so public and shameless a manner, that the bribes received by our kings for these iniquitous practices, were regularly entered in the revenue-rolls of every year, and amounted to great sums⁶¹. To put a stop to this great abuse, it is promised by king John, in the fortieth article of his charter,—“To no man will we sell, to no man will we deny or delay right and justice⁶².”

The people of England also complained, that too many of the judges had neither a competent knowledge of the law, nor a due regard to justice. To remove the ground of these complaints, king John engaged, in article forty-fifth, “We will not make justiciaries, constables of castles, sheriffs, or bailiffs, unless of such as know the law of the kingdom, and are well inclined to observe it⁶³.” Still further to secure the lives of the subjects from being endangered by the ignorance or iniquity of inferior judges, it is provided by article twenty-fourth, “That no sheriff, constable of a castle, coroner, or bailiff, shall hold pleas of the crown,” i. e. try capital crimes, or inflict capital punishments.

⁶¹ Madox Hist. Excheq. chap. 11.

⁶² Append. No. 1, 2.

⁶³ Id. ibid.

The ambulatory unsettled state of the king's court, which constantly attended the royal person, was a great obstruction to the regular administration of justice, and made a revival of the proceedings of inferior courts very hard to be obtained. To remove this inconveniency, it is declared by article seventeenth,—“Common pleas shall not follow our court, but be held in some certain place.” Amerciaments for trivial offences, or exorbitant and ruinous ones for real delinquencies, were among the greatest grievances of the people of England in this period. The causes for which amerciaments were imposed, were almost innumerable; and as the rates of them were unsettled, and they brought much money into the royal coffers, they were frequently excessive⁶⁴. This was so much the case, that those who were amerced, were said to be *in misericordia regis*, or at the king's mercy. To set some bounds to these oppressions, was the intention of the twentieth, twenty-first, and twenty-second articles of the Great Charter, by which it is declared, that earls and barons shall not be amerced, except by their peers, and that according to the degree of their delinquency; that no freeholder or freeman shall be heavily amerced for a slight default, nor above measure even for a great misdemeanor; still saving to a freeholder his freehold, to a merchant his mer-

⁶⁴ Append. No. 1, 2.⁶⁵ See Madox Hist. Excheq. chap. 14.

chandise, and to a rustic his implements of husbandry⁶⁶. The savings to these different kinds of persons are called in the charter their *contentement*; which signifies such a reservation of their estate and goods, as enabled them to keep their countenance, to live in their former ranks, and pursue their former business⁶⁷. Thus also his arms were the contentement of a soldier, his books of a scholar, and, by the laws of Wales, his harp made a part of the contentement of a gentleman⁶⁸.

The prerogative of pre-emption of all things necessary for their court and castles, commonly called *purveyance*, which belonged to the kings of England in this period, was a source of infinite vexations and injuries to their people. This was sometimes owing to the avarice, and sometimes to the official insolence and cruelty, of the purveyors, who attended the court in all its motions. The miseries inflicted on the country by these petty tyrants in the reign of William Rufus, are thus pathetically described by a writer of undoubted credit, who flourished in those times, and beheld the scenes he represents: " Those who attended the court, plundered and
" destroyed the whole country through which
" the king passed, without any controul. Some
" of them were so intoxicated with malice, that
" when they could not consume all the provi-

⁶⁶ See Appendix, No. 1, 2.

⁶⁷ Observations on the Statutes, p. 10.

⁶⁸ Glanvill, l. 9. c. 2. Bracton, l. 3. Tract, 2. c. 9.

" fions in the houses which they invaded, they
 " either sold or burnt them. After having
 " washed their horses feet with the liquors they
 " could not drink, they let them run out on the
 " ground, or destroyed them in some other way.
 " But the cruelties they committed on the mal-
 " ters of families, and the indecencies they of-
 " fered to their wives and daughters, were too
 " shocking to be described ⁶⁹." Under better
 princes these enormities were, no doubt, in some
 degree restrained; but we can hardly suppose
 that the courtiers and purveyors of king John
 were much more modest than those of William
 Rufus. To prevent in some measure those into-
 lerable oppressions, is the design of the twenty-
 eighth, the thirtieth, and thirty-first articles of the
 the Great Charter ⁷⁰.

The fondness, or rather rage, of our ancient
 kings, for hunting, was productive of many
 mischiefs to their subjects. Great tracts of coun-
 try, in almost every county of England, were
 desolated, and converted into forests, for their
 game; and these forests, with the game contained
 in them, were guarded by the most cruel and
 sanguinary laws ⁷¹. For it was a received doc-
 trine in this period, before the Great Charter was
 granted, that the king might make what laws he
 pleased for the protection of his forests; and
 that in making and executing these laws, he was

⁶⁹ Eadmer. Hist. Novorum, l. 4. p. 94. ⁷⁰ Appendix, No. 1, 2.

⁷¹ W. Malm. l. 3, p. 63. Hen. Knyghton, apud X Script. col.

not under any obligation to observe the ordinary rules of justice⁷². In consequence of this doctrine, the forest-laws were dictated by such a spirit of cruelty, and executed with such severity, that they were great objects of terror, and sources of distress to those who were so unhappy as to live near the precincts of any royal forests. To mitigate in some degree the cruelty of these forest-laws, and the severity with which they were executed, was the intention of the forty-fourth, forty-seventh, and forty-eighth articles of the Great Charter of king John⁷³. These articles however, were soon found to be insufficient to answer the ends for which they were intended; and therefore the barons, in the ninth year of the next reign, obtained a separate charter, called *carta de foresta*, or, *the charter of the forests*, containing more precise and particular regulations⁷⁴.

The Great Charter of king John contains several other articles, besides those on which observations have been made above; but these are either of a temporary or private nature; or relate to law-writs, and forms, long ago obsolete; or are of little importance, or so plain that they need no illustration.

The barons who procured this famous charter, were not ignorant, that the king had granted it with the most extreme reluctance; and therefore they took every precaution they could invent to render it effectual, and to secure the rights and

Securities
for the
execution
of the
Great
Charter,

⁷² Dialogus de Scaccario, l. 1. c. 11.

⁷⁴ See Law-tracts, vol. 2. p. 93.

⁷³ Appendix, No. 1, 2.

liberties they had obtained. The great seal was not only appended to it in due form, but both the king and the barons took a solemn oath, to observe it in all particulars with good faith, and without any dissimulation. Not contented with this, they obtained authority to elect twenty-five barons to be the conservators of the charter, with power to compel the king, and his ministers, to fulfil all the articles of it, and immediately to redress every violation. To put it out of the king's power to break through his engagements, and to enable the conservators effectually to support the charter, all the king's foreign auxiliaries, which were at this time almost his only strength, were immediately sent out of the kingdom, and the tower of London was delivered to the conservators⁷⁵.

These securities
ineffec-
tual.

It will appear, however, in the third chapter of the eighth volume of this work, that all these precautions were ineffectual; and that it was not till after a very long and bloody struggle that the people of England obtained the peaceable enjoyment of the rights and liberties contained in the Great Charter of king John, and in the similar charters of his successors. With so much difficulty, by such slow degrees, and at so great an expence of blood and treasure, was the venerable fabric of the British constitution erected. *Eso perpetua*. May it remain for ever, the pride and felicity of those who enjoy its blessings, the envy and admiration of surrounding nations.

⁷⁵ Law, tracts, vol. 2. p. 39.

THE
HISTORY
OF
GREAT BRITAIN.

BOOK III.

CHAP. IV.

The History of Learning in Great Britain, from the landing of William duke of Normandy, A. D. 1066, to the death of king John, A. D. 1216.

NATIONS are liable to various revolutions in the state of their minds, and extent of their knowledge, as well as in their power and wealth, and other external circumstances. The same people, who, in one period, are grossly ignorant, and even regard all literary pursuits with supreme contempt, in another period become ingenious and inquisitive, and apply to the cultivation of the sciences with the greatest ardour. This is a revolution more to their honour than the greatest victories, and therefore certainly

Nations liable to changes in their intellectual attainments.

merits a place in history. We have seen the inhabitants of Britain involved in that profound darkness, which covered the face of Europe, and almost of the whole world, for several ages after the fall of the western empire. We shall now see the day of science beginning to dawn upon them; faintly indeed at first, and liable now and then to be overcast, but never quite extinguished.

Plan of
this chap-
ter.

As the period we are now considering is not near so long as any of the two former periods, it will not be necessary to divide it into centuries, but only to give a brief account, 1. Of the several sciences that were cultivated—the improvements that were made in them—and the reasons of these improvements; 2. Of the most considerable men of learning who flourished; 3. Of the chief seminaries of learning that were founded, or improved, in the course of this period.

SECTION I.

An account of the Sciences that were cultivated in Great Britain, from A. D. 1066, to A. D. 1216—of the improvements that were made in them—and of the reasons of these improvements.

The sciences that were cultivated.

THOUGH the ancient division of the sciences into the *trivium* and *quadrivium*, is frequently mentioned by the writers of the twelfth century, it doth not seem to have been strictly

strictly adhered to in the schools¹. For there is sufficient evidence, that all the following parts of learning were cultivated, in some degree, in Britain, in this period, viz. Grammar, rhetoric, logic, metaphysics, physics, ethics, scholastic divinity, the canon law, the civil law, the common law, arithmetic, geometry, astronomy, astrology, and medicine. Of the state of all these branches of learning in Britain in the times we are now delineating, it is proper to take a short view.

Grammar, or the study of languages, was prosecuted by many persons, with much ardour and no little success. The languages that were chiefly studied in England in this period, were the French and Latin, the former being the language of the court, and the latter that of the church. “William the Conqueror; (says Ingulphus, who was his friend and secretary) “had so great an abhorrence of the English language, that he commanded all the laws “and law-proceedings to be in French; and “even the children at school were taught the “first elements of grammar and letters in French, “and not in English².” All Englishmen therefore who wished to appear at court, to converse with the great, or to be fit for any office, were under a necessity of acquiring the French language. But the Latin language was studied

¹ J. Sarisburiens. Metalog. l. 2. c. 12. p. 758.

² Ingulph. Hist. p. 513. col. 1.

with

with still greater keenneſs by all who were of any learned profeſſion, or aſpired to any reputation for learning; becauſe it was not only the language of the liturgies of the church, but that in which all the ſciences were taught, all books were compoſed, all accounts were kept, all letters of buſineſs or compliment were written, in which all ſcholars daily converſed, many of the clergy preached, not only before ſynods and councils, but even to the common people¹. Anſelm archbiſhop of Canterbury, in a letter to his nephew of the ſame name, writes to this purpoſe: “ I command and charge you not to “ be idle, but to proſecute daily thoſe ſtudies “ for which I left you in England. In parti- “ cular, ſtudy to know all the elegancies of “ grammar; accuſtom yourſelf to write ſome- “ thing every day, eſpecially in proſe; and la- “ bour to acquire a plain and rational, rather “ than an intricate way of writing. Speak al- “ ways in Latin, except in caſes of abſolute ne- “ ceſſity². ” We have ſome reaſon to believe, that even the colloquial Latin of ſcholars in this period was tolerably pure and elegant. Giraldus Cambrenſis mentions it as a very uncommon thing, that an old hermit, with whom he frequently converſed, did not ſpeak Latin very correctly, but ſometimes violated the rules of

¹ Girald. Cambrenſis, de Rebus a ſe geſtis. Ang. Sac. tom. 2. p. 491. P. Bleſenſ. Opera, p. 262—400.

² Spicilegium Acherii, tom. 9. p. 122.

grammar.

grammar'. Some of the learned in this period had attained a very surprising facility in speaking and writing Latin. Peter of Blois, archdeacon of Bath, asserts, that the bishop of Bath, to whom he writes, the archbishop of Canterbury, and several others, had seen him dictate letters in Latin, to three different scribes, on different subjects, and write a letter in the same language himself, at the same time⁵. It appears from the writings of several authors of the twelfth century, particularly of John of Salisbury and Peter of Blois, that they were intimately acquainted with the Latin classics, as they not only quote them very frequently, and with great propriety, but also imitate their style and manner with considerable success. These writers too recommend the study of grammar with the greatest warmth, and bestow upon it the highest praises.

“ Grammar, which is the science of speaking
 “ and writing well, is the first of all the liberal
 “ arts and sciences; the nurse, if I may so
 “ speak, of all philosophy, and of every literary
 “ study. She receives them, at their birth, from
 “ the womb of nature, in a tender state, cher-
 “ ishes them in their infancy with a mother's
 “ care, gradually improves their strength, at-
 “ tends and adorns them in every period of their

⁵ Oh! oh! noli discere scire, sed custodire: vana est scire, nisi custodiri. Talis enim erat ei loquendi modus semper per infinitivum neccasus servabat; & tamen satis intelligi poterat. Girald. Cambrenf. *Anglia Sacra*, t. 2. p. 497.

⁶ *Epist. Pet. Blefens. Ep. 92. p. 143. col. 2.*

“ progress.

“ progress. To philosophise successfully, without grammar, is as impossible as without both “ both eyes and ears.” In a word, whoever hath perused the works of the divines, historians, and philosophers, who wrote in France and England in the twelfth century, will readily acknowledge the truth of the following declaration of one of the most learned writers of literary history: “ Before we descend to particulars, we “ may affirm in general, that the latinity of no “ age, from the decline to the revival of learning, was so terse and elegant as that of the “ twelfth century.”

The Greek and Hebrew languages were very far from being so much studied, so well or so generally understood, in Britain, in this period, as the Latin. But as many Jews resided and taught in England, their ancient language could not be unknown. Plain evidences of some acquaintance with it, as well as with the Greek, appear in the works of Peter of Blois, John of Salisbury, and several others⁷. But by how many and in what degree the Hebrew and Greek languages were then understood in Britain, we are not well informed. We meet with only two Englishmen in this period who were famous for their knowledge of the Arabian language. These were Adelard of Bath, and Robert of Reading,

⁷ J. Sarisburiens. *Metalogicon*, l. 1. c. 13. p. 759.

⁸ *Bulæi Hist. Universitat. Parisiens.* tom. 2. p. 556.

⁹ P. Blefenf. *Opera*, p. 596, &c. J. Sarisburiens. *Metalogicon*, l. 1. c. 10. p. 754.

who

who returned into England in the reign of Henry I. after they had spent several years in the East in learning that language, and translating books out of it into Latin.

From the study of grammar, or the art of speaking correctly, the youth of those times generally proceeded to the study of rhetoric, or the art of speaking eloquently. This part of learning was neglected, and even represented as unnecessary and useless, by some philosophers of this period, who spent their whole time, and employed all the powers of their minds, on the subtilties of Aristotelian logic, which was then the most admired and fashionable study. "Eloquence," said they, "is either given or denied by nature. If it is given, all pains about it are unnecessary; if it is denied, all pains to acquire it will be in vain." But the necessity and many advantages of the study of eloquence were most elegantly displayed both in prose and verse, by several writers of those times, particularly by John of Salisbury and Alan de Lille. "The gifts of nature," says the former, "are necessary; but they are not sufficient to make a complete orator without art and study. There is no natural genius so strong, that negligence will not enfeeble; nor so sublime, that it will not depress. No man ever attained the reputation of being superla-

¹⁰ Martini & Durand, Thesaur. Anecd. p. 292. Wallis Algebra, p. 5.

¹¹ J. Sarisburiens, Metalogicon, l. 1. c. 7. p. 749.

"tively

“ tively eloquent, even in one language, by the
 “ mere force of natural genius, without the help
 “ of art. For he is not to be esteemed eloquent
 “ who can speak with tolerable ease and fluency,
 “ and so as to be understood. He alone is
 “ eloquent, who can express the thoughts of his
 “ mind, and the feelings of his heart, with so
 “ much sweetness, power, and energy, as not
 “ only to convince and persuade, but to charm
 “ and transport his hearers with delight.—
 “ How admirable an accomplishment is this! If
 “ wisdom and virtue merit the first place in our
 “ esteem, eloquence undoubtedly claims the
 “ second. How honourable is it to excel in the
 “ powers of reason and perfections of speech,
 “ which are the peculiar excellencies of human
 “ nature? How ornamental is eloquence in
 “ youth? how venerable in old age; how profit-
 “ able in every stage of life? Who attain to
 “ fame and admiration, to riches, honours, and
 “ preferments, to the direction of all assemblies,
 “ and success in all undertakings, with so much
 “ ease and certainty as the eloquent¹²?” Bulgeus;
 in his history or the university of Paris, gives
 several examples of eloquence from the French
 and English writers of the twelfth century, some
 of which are truly excellent, and would do
 honour to any age; but they are too long to be
 here inserted¹³. The verses of Alan de Lille,

¹² J. Sarisburiens. Metalogicon, l. 1, c. 7. p. 749.

¹³ Bulgei Hist. Universitat Parisiens. tom. 2. p. 557, &c.

quoted

quoted below, will serve as a description of the rhetoric, and as a specimen of the Latin poetry of this period, and will give the candid reader no unfavourable opinion of the state of these parts of learning¹⁴.

From rhetoric the youth of this period proceeded to the study of logic, on which they employed much time and labour. Ingulphus acquaints us, that after he had made himself a perfect master of the first and second book of Tully's Rhetoric, he applied to the study of Aristotle's Logic, and made greater proficiency in it than many of his contemporaries¹⁵. This is a sufficient proof that the logic of Aristotle was studied by many of the English youth at the very beginning of this period, and even a little before. For Ingulphus had left Oxford, and settled in the court of William duke of Nor-

¹⁴ Adfunt rhetoricæ cultus, floresque colorum,
Verba quibus stellata nitent, et sermo decerem
Induit, et multa candescit clausula luce.
Has sermonis opes vultus et sidera verbi,
Copia rhetoricæ jactat, juvenisque loquelam
Pingit, et in vario præsignit verba colore.
Succinctè docet illa loqui, sensusque profundos
Sub sermone brevi concludere, claudere multa
Sub paucis, nec diffuso sermone vagari.
Ut breve sit verbum, dives sententia, sermo
Facundus, multo fecundus pondere sensus.
Vel si forte fluat sermo, sub flumine verbi
Fluminet uberior sententia, copia fructus
Excuset, folii silvam paliasque vagantes
Ubertas granis redimat sensusque loquelam.

Alanus de Insulis in Anti. laud. anc. l. 6. c. 6.

¹⁵ Ingulph. Hist. p. 514, col. 2.

mandy,

mandy, several years before the conquest¹⁶. The truth is, that from about the middle of the eleventh century, the philosophy, and particularly the logic of Aristotle, became so much in vogue, both in France and England, that it was studied with great ardour, not only by all men who made any pretensions to learning, but even by some ladies of the highest rank. The same Ingulphus tells us, that Edgitha, the amiable consort of Edward the Confessor, after she had examined him in Latin prose and verse, often proceeded to attack him with the subtilties of logic, in which she very much excelled; and when she had entangled him with her acute and artful arguments, and obtained the victory, she always dismissed him with a present of some pieces of money¹⁷. It is well known, that the fair unfortunate Heloisa, so much beloved by the accomplished Peter Abelard, was one of the most acute logicians of the twelfth century¹⁸. The fondness of the learned for the Aristotelian logic increased so much in the course of this century, that many persons spent their whole lives in the study of it, and it was esteemed the most necessary and excellent of all the sciences¹⁹. But very unfortunately, this admired science, which had the discovery and establishment of truth for its professed object, soon degenerated into mere

¹⁶ Ingulph. Hist. p. 514. col. 1.

¹⁷ Id. ibid. p. 509.

¹⁸ Buzel Hist. Univer. Paris. tom. 2. p. 42.

¹⁹ Id. ibid. p. 78, 79.

sophistry, and deserved no better name than that of the art of quibbling²⁰. "I wish (says John of Salisbury) to behold the light of truth, which these logicians say is only revealed to them. I approach them, I beseech them to instruct me, that, if possible, I may become as wise as one of them. They consent, they promise great things, and at first they command me to observe a Pythagorean silence, that I may be admitted into all the secrets of wisdom, which they pretend are in their possession. But by and by they permit, and even command me to prattle and quibble with them. This they call disputing, this they say is logic, but I am no wiser²¹." The truth seems to be, that many studious men, in this period, by spending too much time, and employing too intense thought, on logical subtilties, run into the two extremes, of speculating sometimes on things too high and difficult, and at other times on things too low and contemptible, for human investigation. That they run into the first of these extremes there is the clearest evidence, as we find among the subjects of their investigations and disputes,—of the substantial form of sounds,—of the essence of universals, &c. &c.²². That they sometimes fell into the latter extreme, is no less evident, from the many ridiculous trifling questions that were keenly agitated by them, of

²⁰ J. Sarisburien. Metalog. l. 2. c. 6. p. 794, &c.

²¹ Id. Ibid.

²² Petri Blesens. Ep. 101. p. 157.

which the following one may serve for an example: When a hog is carried to market with a rope tied about its neck, which is held at the other end by a man, whether is the hog carried to market by the rope or by the man²³? This appears to us to be too ridiculous to be mentioned; but it appeared in a very serious light to the logicians of this period, who declared, with great gravity, that it was one of those questions that could not be solved, the arguments on both sides were so perfectly equal. In a word, the far greatest part of the questions that were investigated by the logicians of those times, as John of Salisbury justly observes, “were of no use, in the church “or the state, in the cloister or the court, in “peace or war, at home or abroad, or any where “but in the schools²⁴.”

Metaphy-
sics and
natural
philoso-
phy.

The metaphysics and natural philosophy of this period, though they were taught with much parade, and studied with much diligence, do not deserve the name of sciences, or merit the attention of posterity. They consisted of a prodigious number of abstract and subtle speculations, about entity and nonentity, spirit, primary matter, body, substance, accidents, substantial forms, occult qualities, solidity, extension, cohesion, rest, motion, time, place, number, magnitude, &c. which contributed nothing to the real knowledge of nature, or benefit of human life²⁵. Ade-

²³ J. Salisbury. Metalog. l. 1. c. 3. p. 740.

²⁴ Id. ibid. p. 801.

²⁵ Bruckeri Hist. Philosoph. tom. 3. p. 894. 897.

lard of Bath, already mentioned for his skill in the Arabian language, published a dialogue, on the causes of things, between him and his nephew, who, he says, read lectures on that subject, rather perplexing than instructing his hearers²⁶. Philip de Tabun, about the same time, composed a work on the nature of beasts, for the instruction of Alicia, the second queen of Henry I. which gives a very unfavourable view of the state of natural philosophy, as it is wholly fanciful, and turns every thing into allegory²⁷. Henry II. who was a great patron of learning and learned men, sent Giraldus Cambrensis into Ireland, to examine the natural history of that country²⁸. His topography of Ireland (the writing of which, he says, was the labour of three years) was the consequence of this commission; and shews how ill qualified he was for the task in which he was engaged, by the great number of ridiculous incredible stories with which it abounds. To give one example of this, out of a hundred that might be given: "When St. Kewen (says he) was one day praying with both his hands held up to heaven, out of the window of his chamber, a swallow laid an egg in one of them; and such was the patience and good nature of the saint, that he neither drew in nor shut his hand till the swallow had

²⁶ Martini & Durand. Thefaur. Anecd. tom. i. 292.

²⁷ Cotton Bib. p. 48.

²⁸ Expugnatio Hiberniæ, l. 2. c. 31. p. 306.

“ built her nest, laid all her eggs, and hatched
 “ her young. To preserve the remembrance of
 “ this fact, every statue of St. Kewen in Ireland
 “ hath a swallow in one of its hands ²⁹.”

Ethics.

The observations that have now been made on the metaphysics and natural philosophy, may be applied to the ethics or moral philosophy, of this period. This science was esteemed an important part of a learned education, and as such it was taught and studied; but in so improper a manner, that it contributed very little to enlighten the mind, to amend the heart, or to regulate the manners. Taking Aristotle for their guide in this, as well as in logics and physics, they disputed with much warmth and subtilty about liberty and necessity,—about the means, the ends, the acts of moral philosophy,—whether it was a practical or speculative science, &c. &c. but took little pains to shew the foundations of moral obligation, or to illustrate the nature, limits, and motives, of the various duties of men and citizens ³⁰. This mode of philosophising was severely censured by John of Salisbury in many places. “ They err (says he), they impudently err, who “ think that virtue consists of words, as a wood of “ trees. No! good actions are the glory of “ virtue, and the inseparable companions of true “ philosophy. But those men who are fonder “ of the reputation than the reality of wisdom,

²⁹ Topographia Hiberniæ, c. 23. p. 727.

³⁰ Histoire Littéraire de la France, tom. 7. p. 188.

“ are noisy and contentious ; they run about the
 “ streets, they frequent the schools, they start a
 “ thousand frivolous and perplexing questions,
 “ and confound both themselves and others by a
 “ deluge of words.”

That extravagant fondness for Aristotelian logic, which was the reigning taste of this period, and of some succeeding ages, infected all the sciences in some degree ; but most of all, divinity. It was this that produced that species of theology which was so long admired, and is so well known by the name of *school-divinity*, and its teachers by the title of the *school-men*. When these divines composed commentaries on the scriptures, it was not with a view to explain the real meaning of the words, or to illustrate the truths that they contained, but in order to extract certain mystical or allegorical senses out of them, and to found certain curious questions upon them for subjects of disputation²¹. An incredible multitude of such commentaries were written in those times, which have been long ago consigned a prey to worms and dust. But the chief delight and business of the schoolmen was to write voluminous systems of divinity, consisting of a prodigious number of questions on all subjects, which they discussed with the greatest logical acuteness. Some of these questions were bold and impious, others trifling and curious, and not a few ob-

Theolog
or schol
divinity.

²¹ J. Sarisburiens. Metalog. apud Bulz. Hist. Paris. tom. 2. p. 597.

²² Histoire Littéraire de la France, tom. 7. p. 205.

scene³³. With their obscenities and impieties, which are truly horrid, these pages shall not be stained; and their frivolities are so ridiculous, that they are quite unworthy of a place in history. Their curiosity, though excessive, and far from being innocent, was neither so criminal as the former, nor so ridiculous as the latter, and therefore a few examples of it may be given. They canvassed, with great eagerness, the following questions, among a thousand others of the same kind: Was Christ the same between his death and resurrection, that he was before his death, and after his resurrection? Doth the glorified body of Christ stand or sit in heaven? Is the body of Christ that is eaten in the sacrament, dressed or undressed? Were the clothes in which Christ appeared to his disciples after his resurrection real or only apparent? &c. &c.³⁴.

Canon
law.

The bishops of Rome had long been engaged in the ambitious project of erecting a spiritual monarchy, superior to all others, even in worldly power. With this view they had assembled many councils, composed of prelates from all Christian countries, in which they had enacted many laws, commonly called *canons*, for the government of that monarchy. This obliged the bishops, and their officials, to make the canons of the church their study, in order to

³³ Erasmi Encomium Morie. Launocus de Fortun. Aristot. c. 14. p. 273, &c.

³⁴ Balxi Hist. Univers. Parisiens. tom. 2. p. 613. Histoire Littéraire de la France, tom. 7. p. 208, 209.

direct

direct them when they acted as judges in their spiritual courts. But it was not till after the publication of the decretals of Gratian, about the middle of the twelfth century, that the canon law attained the rank of a science, and was taught and studied in the schools³⁵. It soon became the most fashionable study among the clergy, as it was found to pave their way to the highest honours and the richest benefices. Long before the end of this period, it was taught with great applause and profit at Oxford, Paris, Orleans, and many other places³⁶. But the subtilties of the Aristotelian logic gave a tincture to this as well as to the other sciences, which made John of Salisbury complain,—“ That the laws themselves were become traps and snares, in which plain honest men, who were unacquainted with logical quirks and subtilties, were caught ”³⁷.” Peter of Blois speaks with still greater severity of some students and practitioners in the canon law : “ It is the chief study of the ecclesiastical judges of our days, to multiply litigations, to invent delays, to invalidate contracts, to suppress truth, to encourage falsehood, to increase extortions, and, in a word, to confound all law and justice, by their quirks and subtilties ”³⁸.

³⁵ Hist. Littéraire de la France, tom. 9. p. 215.

³⁶ Hugo Sacre Antiq. Monument. tom. 1. p. 505. Bulæ. Hist. Univerf. Parisien. tom. 2. p. 580.

³⁷ J. Sarisburiens. de Nugis Curialium, l. 5. c. 16. p. 314.

³⁸ P. Blesens. Ep. 25. p. 45. col. 1.

The study of the Roman or civil law, was introduced into England about the same time with that of the canon law. From the departure of the Romans, their laws were little known, and of no authority in this island, for more than seven hundred years³⁹. But the study of them having been revived at Bononia, Paris, and other seminaries of learning on the continent, about A. D. 1130, it soon after made its way into England. A copy of the Justinian code, as hath been already observed, was brought from Rome by some of the family of archbishop Theobald, A. D. 1140; and a few years after, Roger Vacarius, prior of Beck in Normandy, opened a school at Oxford, in which he read lectures on the civil law to very crowded audiences⁴⁰. But king Stephen, A. D. 1149, imposed silence on Vacarius; who returned into Normandy, and was chosen abbot of Beck⁴¹. A kind of persecution was raised against the professors and students of the civil law, by the common lawyers, and others; but John of Salisbury says, "That, by the blessing of God, the more the study of it was persecuted, the more it flourished"⁴². Henry II. who succeeded Stephen, being a much greater politician, was far from discouraging the study of the civil law; which, in conjunction with that of the canon law, prevailed very much in the universities, but still more in the cathedral

³⁹ Seldeni Not. Flet. c. 7. sect. 2.

⁴⁰ A. Wood Hist. Oxon. p. 52. col. 1.

⁴¹ J. Sarisburiens. Policrat. l. 8. c. 22. p. 672.

⁴² Id. Ibid.
schools.

schools. We learn from a very curious letter of Peter of Blois, that the most intricate and knotty questions in law and politics were sometimes referred to the teachers and students of the civil and canon law in the family of archbishop Theobald, or archiepiscopal school of Canterbury: "In the house of my master, the archbishop of Canterbury, there are several very learned men, famous for their knowledge of law and politics, who spend the time between prayers and dinner in lecturing, disputing, and debating causes. To us all the knotty questions of the kingdom are referred, which are produced in the common hall, and every one in his order, having first prepared himself, declares, with all the eloquence and acuteness of which he is capable, but without wrangling, what is wisest and safest to be done. If God suggests the soundest opinion to the youngest amongst us, we all agree to it without envy or detraction⁴³."

Though the common law of England was not yet taught in the schools as a science, it was studied with great diligence as a profession; and many persons, by their skill in it, acquired both fame and wealth, and obtained the highest offices in the state. The greatest number of these professional lawyers were clergymen, though some of the laity, as, particularly, Aubrey de Vere, who flourished in the reign of king Ste-

Common
Law.

⁴³ P. Blesens. Ep. 6. p. 8. col. 2.

phen,

phen, and Ranulph de Glanville, who was chief justiciary to Henry II. and Richard I. are much celebrated for their knowledge of the common law⁴⁴. The last of these sages composed a kind of system of the common law, with this title, *De legibus et consuetudinibus Angliæ*⁴⁵. But it was not till some time after the conclusion of this period that the law-college of London, commonly called *The inns of court*, was established; which contributed very much to the improvement of this useful and lucrative branch of learning⁴⁶.

As the subtilties of Aristotelian logic could not be applied with success to numerical calculations or mathematical demonstrations, these sciences do not seem to have been much studied, or improved, in this period; and therefore a few short observations on the state of them will be sufficient.

Arith-
metic.

Nothing ever contributed so much to facilitate arithmetical operations, as the invention of the Arabian figures for representing numbers. But whether these figures were known and used in Britain in this period, is a little doubtful. From the revenue-rolls of Henry II. Richard I. and king John, it appears that they were not then used in the exchequer; for all the sums in these rolls are marked in Roman letters⁴⁷. But

⁴⁴ W. Malmf. Hist. Novel. l. 2 p. 104.

⁴⁵ Dugdale's Origines Juridicales, p. 56. col. 2.

⁴⁶ Id. ibid. p. 141.

⁴⁷ Madox Hist. Excheq. passim.

the

the learned Dr. Wallis hath produced several authorities, which make it very probable, that the Arabian arithmetic, called *algorism*, performed by the Arabian figures, was known to some learned men in England in the twelfth century; and indeed it is hardly possible that Adelard of Bath, Robert of Reading, and several others, who travelled into Spain, Egypt, and other countries, in the course of that century, to make themselves masters of the Arabian language and learning, could have returned without some knowledge of these figures⁴.

Though the Elements of Euclid, and several other treatises on geometry, were translated out of the Greek and Arabian languages into Latin in this period, we have the clearest evidence that this most useful science was very little studied. “The science of demonstration (says John of Salisbury) is of all others the most difficult; and, alas! is almost quite neglected, except by a very few who apply to the study of the mathematics, and particularly of geometry. But this last is at present very little attended to amongst us, and is only studied by some people in Spain, Egypt, and Arabia, for the sake of astronomy. One reason of this is, that those parts of the works of Aristotle that relate to the demonstrative sciences, are so ill translated, and so incorrectly transcribed, that we meet with insur-

Geome-
try.

⁴ Wallis Algebra, ch. 4.

“ mountable

“mountable difficulties in every chapter.”⁴⁹ After so decisive a testimony of one who was so well acquainted with the state of learning in the age in which he flourished, it is in vain to look for any great improvements in geometry in this period.

Astronomy,

When geometry was so much neglected, astronomy could not be successfully cultivated. There is, however, sufficient evidence, that a considerable degree of attention was paid to the motions, situations, and aspects, of the heavenly bodies; though it is probable that this was done rather with a view to astrological predictions, than to discover the true system of the universe. Several treatises on astronomy were translated out of the Greek and Arabian languages into Latin, particularly the planisphere of Ptolemy by Ralf of Bruges, and a treatise on the astrolabe by Adalard of Bath⁵⁰. The astrolabe, which seems to have been much the same with the armillary sphere of the moderns, was used in taking observations of the sun and stars⁵¹. Ingulphus laments the loss of an astronomical table, more than of any thing else, that was destroyed when his abbey of Croyland was burnt, A. D. 1091. He calls it a *Nadir*, and describes it in this manner; “We then lost a most beautiful and precious table, fabricated of different kinds of metals, according to the variety of the stars and

⁴⁹ J. Sarisburiens. Metalog. l. 4. c. 6. p. 887.

⁵⁰ Vossius de Math. c. 63. ⁵¹ Du Cange Gloss. voc. *Astrolabium*.

“heavenly

“ heavenly signs. Saturn was of copper, Jupiter of gold, Mars of iron, the Sun of latten, Mercury of amber, Venus of tin, the Moon of silver. The eyes were charmed, as well as the mind instructed, by beholding the colure circles, with the zodiac and all its signs, formed with wonderful art, of metals and precious stones, according to their several natures, forms, figures, and colours. It was the most admired and celebrated Nadir in all England.”

From the above description of this curious table, it appears to have been a delineation of the Ptolemaean system, the centre of it representing the earth, and the planets placed around it exactly in the order of that system.

None of the mathematical sciences was cultivated with so much diligence, in this period, as the fallacious one of judicial astrology. None indeed were honoured with the name of mathematicians but astrologers, who were believed by many to possess the precious secret of reading the fates of kingdoms, the events of war, and the fortunes of particular persons, in the face of the heavens. “ Mathematicians (says Peter of Blois) are those who, from the position of the stars, the aspect of the firmament, and the motions of the planets, discover things that are to come.” These pretended prognosticators were so much admired and credited, that there

Astrology.

¹ Hist. Ingulph. Oxoniæ edit. A. D. 1585, tom. 1. p. 98.

² P. Blefens. Opera, p. 596. col. 1.

was

was hardly a prince, or even an earl or great baron, in Europe, who did not keep one or more of them in his family, to cast the horoscopes of his children, discover the success of his designs, and the public events, that were to happen⁵⁴. The most famous of these astrologers published a kind of almanacs every year, containing schemes of the planets for that year, with a variety of predictions concerning the weather, and other events. We have the following quotation from one of these almanacs, in a letter of John of Salisbury: "The astrologers call this "year (1170) the wonderful year, from the "singular situation of the planets and constellations, and say—that in the course of it the "councils of kings will be changed, wars will "be frequent, and the world will be troubled "with seditions; that learned men will be discouraged; but towards the end of the year "they will be exalted⁵⁵." From this specimen we may perceive, that their predictions were couched in very general and artful terms. But by departing from this prudent conduct not long after this, and becoming a little too plain and positive, they brought a temporary disgrace on themselves and their art. For, in the beginning of the year 1186, all the great astrologers in the Christian world agreed in declaring, that from an extraordinary conjunction of the planets in the

⁵⁴ Hoveden: Annal. p. 356.

⁵⁵ Epistol. T. Cantuar. l. 2. Ep. 48. p. 388, 389.

sign Libra, which had never happened before, and would never happen again, there would arise, on Tuesday, September 16th, at three o'clock in the morning, a most dreadful storm, that would sweep away not only single houses, but even great towns and cities;—that this storm would be followed by a destructive pestilence, bloody wars, and all the plagues that had ever afflicted miserable mortals⁵⁶. This direful prediction spread terror and consternation over Europe, though it was flatly contradicted by the Mahometan astrologers of Spain, who said, there would only be a few shipwrecks, and a little failure in the vintage and harvest⁵⁷. When the awful day drew near, Baldwin, archbishop of Canterbury, commanded a solemn fast of three days to be observed over all his province. But to the utter confusion of the poor astrologers, the 16th of September was uncommonly serene and calm, the whole season remarkably mild and healthy; and there were no storms all that year (says Gervase of Canterbury), but what the archbishop raised in the church by his own turbulence⁵⁸. In the midst of this general wreck of astrological reputation, William, astrologer to the constable of Chester, saved his character, by subjoining to his prediction this alternative,—“If
“ the nobles of the land will serve God, and fly
“ from the devil, the Lord will avert all these

⁵⁶ Hoveden. Annal. p. 356.⁵⁷ Id. p. 358.⁵⁸ Gervas Chron. apud X Script. col. 1479.

“ impend-

"impending plagues". But though astrology was in itself deceitful, and sometimes involved its professors in disgrace, it contributed greatly to promote the study of astronomy; and there is the clearest evidence, that the astrologers of this period could calculate eclipses, could find the situation of the planets, and knew the times in which they performed their revolutions, &c.

Medicine.

Medicine had been practised as an art in Britain in the darkest ages. In this period it began to be studied as a science. The medical schools of Salernum in the kingdom of Naples, and of Montpellier in France, were famous in these times, and frequented by many persons from all parts of Europe. This science was also taught and studied in the universities of Paris and Oxford. But the following description of the theoretical and practical physicians of the twelfth century, given by one of the most learned and ingenious men who flourished in that age, will present us with a more satisfactory view of the state of medicine in this period, than any thing that can be said by any modern writer. "The professors of the theory of medicine are very communicative; they will tell you all they know, and perhaps, out of their great

⁵⁹ Hoveden. Annal. p. 357. col. 1.

⁶⁰ Id. ibid. p. 381.

⁶¹ Opera J. Freind, p. 535. J. Sarisburiensis, Metalog. l. 1. c. 4. p. 743.

⁶² Bulz. Hist. Univers. Paris. tom. 2. p. 575. A. Wood Hist. Univers. Oxon. p. 46. col. 2.

"kindness,

" kindness, a little more. From them you may
 " learn the natures of all things, the causes of
 " sickness and of health, how to banish the one
 " and to preserve the other; for they can do
 " both at pleasure. They will describe to you
 " minutely the origin, the beginning, the pro-
 " gress, and the cure of all diseases: In a word,
 " when I hear them harangue, I am charmed; I
 " think them not inferior to Mercury or Escu-
 " lapius, and almost persuade myself that they
 " can raise the dead. There is only one thing
 " that makes me hesitate. Their theories are
 " as directly opposite to one another as light and
 " darkness. When I reflect on this I am a little
 " staggered. Two contradictory propositions
 " cannot both be true. But what shall I say of
 " the practical physicians? I must say nothing
 " amiss of them. It pleaseth God, for the pu-
 " nishment of my sins, to suffer me to fall too
 " frequently into their hands. They must be
 " soothed, and not exasperated. That I may
 " not be treated roughly in my next illness, I
 " dare hardly allow myself to think in secret
 " what others speak aloud."³ In another work
 this writer picks up more courage, and speaks
 his mind of the practical physicians with equal
 freedom: "They soon return from college, full
 " of silly theories, to practise what they have
 " learned. Galen and Hippocrates are conti-
 " nually in their mouths. They speak apho-

³ J. Sarisburiens. Policrat. l. 2. c. 29. p. 147.

“rises on every subject, and make their hearers
 “stare at their long, unknown, and high-sound-
 “ing words. The good people believe that they
 “can do any thing, because they pretend to all
 “things. They have only two maxims which
 “they never violate: never mind the poor—never
 “refuse money from the rich⁶⁴.”

The clergy
 the chief
 physicians.

The clergy were almost the only persons in this period who taught and practised physic, as well as the other sciences; and we meet with very few celebrated for their medical knowledge who were not priests or monks. This profession became so lucrative, and so many monks applied to the study and practice of it, deserting their monasteries, and neglecting their own profession, that a canon was made in the council of Tours, A. D. 1163, prohibiting monks to stay out of their monasteries above two months at one time, teaching or practising physic⁶⁵. No restraint of this kind was laid on the secular clergy, and many of the bishops and other dignitaries of the church acted as physicians in ordinary to kings and princes, by which they acquired both riches and honour⁶⁶. These very reverend physicians drew much of their medical knowledge from the writings of Rhazes, Avicenna, Avenzoar, Averhois, and other Arabians, whose works had been translated into Latin by Constantine, a

⁶⁴ J. Sarisburiens. Metalog. l. 1. c. 4. p. 743.

⁶⁵ Bulæi Hist. Univers. Parisien. tom. 2. p. 575. Concil. tom. 10. p. 986. 1004. 1421.

⁶⁶ Histoire Littéraire de la France, tom. 9. p. 193, 194.

monk

monk of Mount Casine, near Salernum, and others⁶⁷. It will not perhaps be disagreeable to some medical readers to see the description and treatment of a particular disease by one of their predecessors in the art of healing in England, about six hundred years ago, which they will find in the Appendix N° 3.

It is not improbable that the scientific way of teaching and studying physic, which was introduced by the medical schools of the eleventh and twelfth centuries, gave rise to the distinction between physicians and surgeons, which appears to have taken place towards the end of this period. For a contemporary poet, in describing the attempts that were made to cure the wound which Richard I. received before the castle of Chalus, A.D. 1199, plainly distinguishes these two professions, and the different parts they acted on that occasion⁶⁸. There is even sufficient evidence, that some persons, about the same time, applied more particularly to the study of the *materia medica*, and the composition of medicines; and were on that account called apothecaries. We are told in the annals of the church of Winchester, that Richard Fitz-Nigel, who died bishop of London A.D. 1198, had been apothecary.

Distinction
between
physicians
and sur-
geons.

⁶⁷ Opera J. Freind, p. 533, &c.

⁶⁸ Interea regem circumstant undique mixtim,
Apponunt medici fomenta, secantque chirurgi
Vulnus, ut inde trahant ferrum levioze periclo.

Pasquier Recherches, l. 9. c. 31.

cary to Henry II." Whoever will give himself the trouble to peruse the prescriptions of the Salernian school, which were written in the eleventh century, for the use of a king of England, will perceive, that the *materia medica* of those times was far from being scanty, and that they were acquainted with some very complicated and artificial mixtures, particularly *theriac*, which consists of above fifty ingredients⁶⁹.

Sciences
that were
neglected.

It seems to be impossible to give any satisfactory account of the state of experimental philosophy, anatomy, chemistry, botany, and some other parts of learning, from the genuine monuments of this period; which plainly indicates, that these sciences were then either totally neglected, or very little cultivated.

The circle
of the sci-
ences en-
larged.

By comparing the above delineation of the state of learning, with that which was given of it in the former period, we cannot but observe, that the circle of the sciences was now considerably enlarged, and that some of them were cultivated with greater diligence and success⁷⁰. This is agreeable to the testimony of the best contemporary historians. "Before the arrival
" of the Normans (says William of Malm-
" bury), learning was almost extinct in Eng-
" land. The clergy contented themselves with
" the slightest smattering of letters, and could
" hardly stammer through the offices of the

⁶⁹ *Anglia Sacra*, tom. i. p. 304.

⁷⁰ *Medicina Salernitana*, c. 13. p. 119.

⁷¹ See book 2. ch. 4.

" church.

"church. If any one amongst them understood
"a little grammar, he was admired as a pro-
"digy." But so sudden and advantageous a
change in this respect took place after the con-
quest, that the same sensible writer acquaints us,
that learning was in a more flourishing state in
England and Normandy, so early as the reign of
Henry I. than it was in Italy⁷¹. This happy
change seems to have been owing to the follow-
ing causes:

The accession of William duke of Normandy
to the throne of England, contributed in several
ways to the revival of learning in Britain. That
prince had received a good education, was fond
of reading, and the conversation of learned men,
to whom he was a most munificent patron, ad-
vancing them to the highest dignities and richest
benefices in the church⁷². This had excited an
extraordinary ardour for literary pursuits among
the clergy in Normandy, and had afterwards the
same effect in England. Besides this, many of
the most learned men on the continent came over
into Britain, after the conquest, and by their
example and instructions diffused the love and
knowledge of letters. William took great care
of the education of his royal offspring, and
Henry I. his youngest son, became the most
learned prince, and the greatest promoter of
learning, of the age in which he flourished.

Causes of
the im-
provement
of learn-
ing.

⁷¹ W. Malmf. l. 3. p. 57.

⁷² Id. l. 5. p. 90.

⁷³ W. Gemitens, p. 604. edit. a. Camdeno. Orderic. Vital. p. 656.

This procured him the surname of *Beauclerk*, or the fine scholar⁷⁵. He married his only daughter, the heiress of all his dominions, to Geoffrey Plantagenet earl of Anjou, who is greatly celebrated for his learning⁷⁶. The eldest son of this marriage, Henry II. received a learned education, under the direction of his excellent uncle Robert earl of Gloucester, who was more illustrious for his knowledge and virtue than his royal birth⁷⁷. Henry II. never lost that taste for letters he had acquired in his youth, and through his whole life, as we are assured by one who was intimately acquainted with him, he spent his leisure hours, either in reading, or in discussing some literary question in a circle of learned men⁷⁸. His three sons, Henry, Geoffrey, and Richard, had all a considerable tincture of letters, and a taste for poetry⁷⁹. Under the patronage of these great princes, learning could hardly fail to revive, and in some degree to flourish.

The increase of monasteries one cause of the improvement in learning.

The erection of above one hundred monasteries in England, in the course of this period, may be reckoned among the causes of the revival of learning,—by increasing the number both of teachers and students,—by multiplying

⁷⁵ Martin. Anec. l. 3. p. 345. J. Brompt. apud X Script. p. 274. H. Knyghton. Ibid. p. 2374.

⁷⁶ D. Acherii Spicieg. l. 10. p. 508.

⁷⁷ Gervás Chron. p. 1358. W. Malmf. l. 5. p. 96.

⁷⁸ P. Blefens. Ep. 66. p. 98.

⁷⁹ Histoire Littéraire de la France, tom. 9. p. 175.

the inducements to pursue, and the opportunities to acquire knowledge,—but chiefly by making books much more common and attainable than they had been in any former period. It will by and by appear that every convent was a kind of college, in which several parts of learning were taught and studied⁸⁰. The government of these religious houses was commonly bestowed on men of learning; and being attended with considerable degrees of power and dignity, afforded strong incentives to study. A library was then esteemed so essential to a monastery, that it became a proverb, “A convent without a library, is like a castle without an armory⁸¹.” Some of these monastic libraries were very valuable. Though the abbey of Croyland was burnt only twenty-five years after the conquest, its library then consisted of nine hundred volumes, of which three hundred were very large⁸². To provide books for the use of the church, and for furnishing their libraries, there was in every monastery a room called *the Scriptorium*, or writing-chamber, in which several of the younger monks were constantly employed in transcribing books; and to which, in some monasteries, considerable revenues were appropriated⁸³. A noble Norman, who was a great encourager of learning, left his own library to that of the abbey of St. Albans, A. D. 1086,

⁸⁰ See Section 3.⁸¹ Martin. Anec. tom. 1. col. 511.⁸² Historia Ingulphi, Oxon. edit. p. 98.⁸³ Du Cange Gloss. voc. Scriptorium,

and granted two thirds, of the tithes of Hatfield, and certain tithes in Redburn, to support the writers in the scriptorium of that abbey⁸⁴. Where there were no fixed revenues for defraying the expences of procuring books for the library, the abbot, with the consent of the chapter, commonly imposed an annual tax on every member of the community for that purpose⁸⁵. The monks of some monasteries, in this period, were bitterly reproached for the extravagant sums they expended on their libraries⁸⁶.

Art of making paper another cause of this.

The art of making paper, which was invented in the course of this period, contributed also to the revival of, and more general application to, learning, by rendering the acquisition of books much less difficult and expensive than it had formerly been. We have not the satisfaction of knowing to whom we are indebted for that most useful invention. But it appears that our paper was at first made of cotton; and, on that account, called *charta bombycina*, or *cotton paper*; and that towards the end of the eleventh or beginning of the twelfth century, it began to be made of linen rags, as it is at present⁸⁷.

Croisades another cause of this.

Though the learned authors of the literary history of France are of opinion that the Croisades proved an impediment to the progress of learning, I am more inclined to think, with the

⁸⁴ M. Paris Vita Abbatum, p. 32.

⁸⁵ Mabell. Annal. tom. 6. p. 652, 653.

⁸⁶ Martin. Col. Script. tom. 1. p. 1020, 1021.

⁸⁷ Murator. Antiq. tom. 3. col. 891.

judicious

judicious and elegant historian of Charles V. that they had a contrary effect". That the sciences, as well as the arts, were in a more flourishing state in the Greek empire, and the East, than in those countries which had composed the western empire, is acknowledged on all hands. It seems therefore highly probable, that some of those ingenious and inquisitive men, of which the number was not small, who accompanied the Croisaders in their expeditions into the East, acquired some sciences which they could not have acquired in their own countries, and that they communicated their acquisitions to their countrymen on their return home.

SECTION II.

History of the most learned men who flourished in Britain, from A. D. 1066, to A. D. 1216.

THOUGH the circle of the sciences was enlarged, and learning was cultivated with greater assiduity in this than in the former period; yet this was chiefly, or rather almost only by the clergy. The great body of the people, and even the far greatest part of the nobility, still continued illiterate, or had but a very slight acquaintance with letters. Of this, if it were

Learnin
chiefly
mong th
clergy.

²² Histoire Littéraire de la France, tom. 9. p. 16. Dr. Robertson's History of Charles V. vol. 1. p. 26.

necessary,

necessary, many proofs might be produced; but the following one, it is presumed, will be sufficient. After the flight of archbishop Becket out of England, A. D. 1164, Henry II. sent a most splendid embassy to the pope, consisting of one archbishop, four bishops, three of his own chaplains, the earl of Arundel, and other three of the greatest barons of the kingdom. When these ambassadors were admitted to an audience, and four of the prelates had harangued the pope and cardinals in Latin, the earl of Arundel stood up, and made a speech in English, which he began in this manner: "We who are illiterate laymen do not understand one word of what the bishops have said to your holiness." We may be almost certain, that if Henry, who was a learned prince, could have found men of learning amongst his nobility, he would have sent them on this embassy. The truth is, that the general ignorance of the laity of all ranks was so well known, that the historians of this period frequently distinguish the clergy from the laity, by calling the former *literati*, and the latter *laici* *. Our readers therefore need not be surprised to find, that all the learned men mentioned in this section belonged either to the secular or regular clergy.

The laws of general history, and the limits of this work, will admit only of a very brief ac-

* Vita S. Thomæ, l. 2. c. 9. p. 74.

† Ingulphi Hist. edit. Oxon. p. 102.

count of a few who were most eminent for their learning in every period.

Ingulph, abbot of Croyland, and author of the history of that abbey, was born in London about A. D. 1030. He received the first part of his education at Westminster; and when he visited his father, who belonged to the court of Edward the Confessor, he was so fortunate as to engage the attention of queen Edgitha. That amiable and learned princess took a pleasure in examining our young scholar on his progress in grammar, and in disputing with him in logic; nor did she ever dismiss him without some present as a mark of her approbation². From Westminster he went to Oxford, where he applied to the study of rhetoric and of the Aristotelian philosophy, in which he made greater proficiency than many of his contemporaries³. When he was about twenty-one years of age, he was introduced to William duke of Normandy (who visited the court of England A. D. 1051), and made himself so agreeable to that prince, that he appointed him his secretary, and carried him with him into his own dominions. In a little time he became the prime favourite of his prince, and the dispenser of all preferments, humbling some and exalting others at his pleasure; in which difficult station, he confessed he did not behave with a proper degree of modesty and prudence⁴.

² Ingulph. Hist. edit. Oxon. l. 1, p. 62. Tanner Bibliothec. p. 429.

⁴ Ibid. p. 73.

³ Id. ibid.

This excited the envy and hatred of many of the courtiers; to avoid the effects of which, he obtained leave from the duke to go in pilgrimage to the Holy Land, which was then become fashionable. With a company of thirty horsemen, he joined Sigfrid duke of Mentz, who, with many German nobles, bishops, clergy, and others, was preparing for a pilgrimage to Jerusalem. When they were all united, they formed a company of no fewer than seven thousand pilgrims. In their way they spent some time at Constantinople, performing their devotions in the several churches. In their passage through Lycia, they were attacked by a tribe of Arabs, who killed and wounded many of them, and plundered them of a prodigious mass of money. Those who escaped from this disaster, at length reached Jerusalem, visited all the holy places, and bedewed the ruins of many churches with their tears, giving money for their reparation. They intended to have bathed in Jordan, but being prevented by the roving Arabs, they embarked on board a Genoese fleet at Joppa, and landed at Brundisium, from whence they travelled through Apulia to Rome. Having gone through a long course of devotions in this city, at the several places distinguished for their sanctity, they separated, and every one made the best of his way into his own country. When Ingulph and his company reached Normandy, they were reduced to twenty half-starved wretches, without money, clothes, or horses. A faithful picture

picture of the foolish disastrous journeys into the Holy Land, so common in those times. Ingulph was now so much disgusted with the world, that he resolved to forsake it, and become a monk in the abbey of Fontenelle in Normandy; in which, after some years, he was advanced to the office of prior. When his old master was preparing for his expedition into England, A. D. 1066, he was sent by his abbot with one hundred marks in money, and twelve young men, nobly mounted and completely armed, as a present from their abbey. Ingulph having found a favourable opportunity, presented his men and money to his prince, who received him very graciously; some part of the former affection for him reviving in his bosom. In consequence of this he raised him to the government of the rich abbey of Croyland in Lincolnshire, A. D. 1076, in which he spent the last thirty-four years of his life, governing that society with great prudence, and protecting their possessions from the rapacity of the neighbouring barons by the favour of his royal master. The lovers of English history and antiquities are much indebted to this learned abbot for his excellent history of the abbey of Croyland, from its foundation, A. D. 664, to A. D. 1091, into which he hath introduced much of the general history of the kingdom, with a variety of curious anecdotes that are no where else to be found.

⁶ Vide Hist. Ingulph. a Savillio edit. London 1594. Oxon. 1634.

Ingulph died of the gout, at his abbey, 1st December A.D. 1109, in the seventy-ninth year of his age⁷.

Lanfranc.

Lanfranc, archbishop of Canterbury, was born at Pavia, A. D. 1005, where he was educated in grammar and logic⁸. After the death of his father, he spent some years in the study of rhetoric and civil law, at Bologna; from whence he returned to his native city, and commenced an advocate in the courts of law⁹. Thinking this too narrow a sphere, he removed into France, and opened a school at Avranches, which was soon crowded with students of high rank¹⁰. In a journey to Roane, he had the misfortune to be robbed, and left bound in a wood, where he was found next morning by some peasants, who carried him, almost dead, to the abbey of Bec. Here he was treated with so much tenderness, that when he recovered, he became a monk in that abbey, A. D. 1041¹¹. At the end of three years he was chosen prior of his convent, and opened a school, which in a little time became very famous, and was frequented by students from all parts of Europe¹². Amongst others, some of the scholars of Berenger, archdeacon of Angers, and master of the academy of Tours,

⁷ Continuat. Hist. Croyland, p. 112.

⁸ Mabil. Act. tom. 9. p. 659.

⁹ Id. ibid. p. 360.

¹⁰ Histoire Literaire de la France, tom. 8. p. 261.

¹¹ Du Pin Ecclésiast. Hist. cent. 11. c. 3. Gervas, apud X. Script. vol. 1652.

¹² Histoire Literaire de la France, tom. 8. p. 262.

left

left that school, and went to study at the abbey of Bec. This, it is said, excited the envy of Berenger, and gave rise to that long and violent controversy between him and Lanfranc, on the subject of the eucharist, which made a mighty noise in the church¹³. When our author resided in the abbey of Bec, his literary fame procured him the favour of his sovereign, William duke of Normandy, who made him one of his counsellors, employed him in an important embassy to the pope, and appointed him, A. D. 1062, abbot of his newly erected monastery of St. Stephen's, at Caen¹⁴. Here he established a new academy, which became no less famous than his former one at Bec. When the see of Canterbury became vacant by the deposition of Stigand the Conqueror procured his election to that see, August 15th, A. D. 1070, and with some difficulty prevailed upon him to accept of that high station¹⁵. He proved a great benefactor to the church of Canterbury, by asserting its right to the primacy of England,—by recovering many of its possessions,—and by rebuilding the cathedral¹⁶. He enjoyed a high degree of the favour of William I. and had the chief direction of all affairs, both in church and state, under William II. to the time of his death, which happened May 28th, A. D. 1089, in the

¹³ *Histoire Littéraire de la France*, tom. 8. p. 263.

¹⁴ *Id. ibid.* p. 266.

¹⁵ Eadmer. *Hist. Novel.* l. 1. p. 6.

¹⁶ *Id. ibid.* p. 7. *Gervas.* col. 1653. 1292. *J. Brompt.* *ibid.* col. 970—972.

eighty-fourth year of his age¹⁷. Several of our ancient historians who were almost his contemporaries, speak in very advantageous terms of the genius and erudition of Lanfranc; and some of them, who were personally acquainted with him, represent him as the most learned man of the age in which he flourished¹⁸. His writings consist of commentaries on St. Paul's epistles, sermons on various subjects, letters, and his famous treatise on the eucharist against Berenger, in which he employed all his abilities in support of that opinion, which had been broached by Paschasius Radbertus, in the gloom of the ninth century, had been gradually gaining ground among the clergy through the tenth and eleventh, and terminated in transubstantiation towards the end of the twelfth¹⁹. This treatise had rendered Lanfranc a prodigious favourite with the literary historians of the church of Rome, who load him with the most extravagant and lavish praises²⁰.

Anselm.

Anselm, archbishop of Canterbury, the disciple and successor of Lanfranc, was born at Aoust in Piedmont, A. D. 1034, of noble and pious parents, who were at great pains to give him a good education²¹. Having lost his mo-

¹⁷ J. Brompt. col. 986. Gervas, p. 1655.

¹⁸ Anglia Sacra, tom. 2. p. 223. Eadmeri. Hist. p. 6. W. Malmf. l. 3. p. 61. col. 2.

¹⁹ Opera Lanfran. a d'Acher. edit. Paris, 1648. Du Pin, Eccles. Hist. cent. 9. c. 7. Opera P. Blesens. p. 219. col. 1. p. 614. col. 1.

²⁰ Histoire Littéraire de la France, l. 8. p. 260—305.

²¹ Anselmi Vita, l. 1. p. 2.

ther

ther Ermengarda when he was about seventeen years of age, he abandoned his studies, and indulged his youthful passions to such a degree, that his father refused to see him, or admit him into his house; on which he left his native country and travelled into France. After some time, attracted by the fame of Lanfranc, he settled at the abbey of Bec, and prosecuted his studies with so much ardour under that great master, that he excelled all his fellow-students in learning²². Having become a monk in that abbey, A. D. 1060, he was chosen, three years after, to succeed Lanfranc, both as prior, and teacher of the sciences; in both which stations he acquitted himself so much to the satisfaction of the society, that he was unanimously elected abbot, on the first vacancy, A. D. 1078²³. The abbey of Bec had several estates in England, which obliged our abbot sometimes to visit this kingdom; and in these visits he gained the friendship of some of the greatest men. He happened to be here A. D. 1193, when William II. in a fit of sickness, was prevailed upon to fill the see of Canterbury, which he had kept four years vacant, and nominated him to that high office. After a long and obstinate opposition to his own advancement, in which some persons suspected his sincerity, he was consecrated December 4th, A. D. 1093²⁴. The quarrels of this prelate

²² Anselmi Vita, l. 1. p. 3.

²³ Id. ibid. p. 9.

²⁴ Eadmer. Hist. p. 16—21.

with William II. and afterwards with Henry I. about investitures, have been already mentioned²⁵. These obliged him to spend much of his time on the continent, and rendered his pontificate uncomfortable to himself and hurtful to the kingdom. After a tedious indisposition, he expired at Canterbury April 21st, A. D. 1109, in the sixty-sixth year of his age²⁶. Anselm was one of the most voluminous writers of the age in which he flourished, as any one may be convinced, by perusing the catalogue of his works in the books quoted below²⁷. He excelled chiefly in logics and metaphysics, and the application of them to theological subjects; which made him to be considered as one of the fathers of scholastic divinity.

Eadme-
rus.

Eadmerus, the faithful friend and historian of archbishop Anselm, was an Englishman; but his parents, and the particular time and place of his nativity, are not known. He received a learned education, and very early discovered a taste for history, by recording every remarkable event that came to his knowledge²⁸. Being a monk in the cathedral of Canterbury, he had the happiness to become the bosom-friend and inseparable companion of two archbishops of that see, St. Anselm, and his successor Ralph. To the former of these he was appointed spi-

²⁵ See vol. 5. chap. 2. p. 292, &c.

²⁶ Eadmer, p. 102.

²⁷ *Histoire Littéraire de la France*, tom. 9. p. 416—465. Tanner, p. 44, 45, 46.

²⁸ Eadmer. *Hist. Novar.* p. 10.

ritual director, by the pope; and that prelate would do nothing without his permission²⁹. His election to the see of St. Andrews, in Scotland, and its consequences, have been already mentioned³⁰. But Eadmerus is most worthy of the grateful remembrance of posterity for his historical works, particularly for his excellent history of the affairs of England in his own time, from A. D. 1066, to A. D. 1122; in which he hath inserted many original papers, and preserved many important facts, that are no where else to be found³¹. This work hath been highly commended, both by ancient and modern writers, for its authenticity, as well as for regularity of composition and purity of style³². It is indeed more free from legendary tales, than any other work of this period; and it is impossible to peruse it with attention, without conceiving a favourable opinion of the learning, good sense, sincerity, and candour of its author.

Turgot, a contemporary of Eadmerus, was an Anglo-Saxon, of a good family in Lincolnshire, and received a learned education. When he was a young man, he was delivered by the people of Lindsey, as one of their hostages, to William the Conqueror, and confined in the castle of Lincoln³³. From thence he made his escape

Turgot.

²⁹ W. Malmf. de Gest. Pontif. Angl. l. 1. p. 130.

³⁰ See vol. 5. chap. 2. p. 331.

³¹ Eadmer. Hist. Novar. a Selden. edit. London, A. D. 1623.

³² W. Malmf. Leland, Cave, Nicolson, Selden, &c.

³³ Simeon Dunelm. Hist. apud X Script. col. 205, 207.

into Norway, and resided several years in the court of king Olave, by whom he was much caressed and enriched. Returning to his native country, he was shipwrecked on the coast of Northumberland, by which he lost all his money and effects, escaping death with great difficulty. He travelled to Durham; and applying to Walcher, bishop of that see, declared his resolution to forsake the world, and become a monk; in which he was encouraged by that pious prelate, who committed him to the care of Aldwine, the first prior of Durham. Being admitted into that priory, he recommended himself so much to the whole society, by his learning, piety, prudence, and other virtues, that, on the death of Aldwine, A. D. 1087, he was unanimously chosen prior, and not long after was appointed by the bishop archdeacon of his diocese³⁴. In the faithful discharge of the duties of these two offices, he spent the succeeding twenty years of his life, sometimes, residing in the priory, and at other times visiting the diocese, and preaching in different places. Some of his leisure hours he employed in collecting and writing the history of the church of Durham or Northumberland, from A. D. 635, to A. D. 1096, in four books³⁵. But not having published this work, or made many transcripts of it, according to the custom of those times, it fell into the hands of Simeon, precentor of the

³⁴ Simeon Dunelm. Hist. apud X Script. col. 53, 54.

³⁵ Id. col. 1—5.

church

church of Durham, who published it under his own name, expunging only a few passages that would have discovered its real author. This curious fact is demonstrated by the learned Mr. Selden, in his preface to the ten ancient historians, published by sir Roger Twysden; and shows that literary fame was even then an object of ambition³⁶. The promotion of Turgot to the see of St. Andrew's, in Scotland, A. D. 1107, and his death, at Durham, A. D. 1115, have been already recorded³⁷. Turgot composed several other works, particularly the lives of Malcolm Canmore, king of Scotland, and of his pious consort queen Margaret, from which John Fordun hath quoted several facts³⁸.

Robert White (in Latin Robertus Pullus) was born in England towards the end of the eleventh century; and having received a learned education in his own country, he went, as was usual in those times, to the university of Paris for his further improvement³⁹. Here he continued several years, and acquired a shining reputation by his learned lectures in philosophy and theology, which were attended by crowded audiences. He was invited by Asceline, bishop of Rochester, A. D. 1136, to return into his own country, where his labours were much wanted for the revival of learning; and no less earnestly pressed by

Robert
White.

³⁶ Prefat X Script. post Bedam, p. 4.

³⁷ See vol. 5. chap. 2. p. 330.

³⁸ Fordun, Scotichron. l. 5. c. 14, 15, 16, 18, 19, 20, 21.

³⁹ Simeon Dunelm. Continuat. apud X Script. col. 275.

the famous St. Bernard to continue at Paris, where he did so much good⁴⁰. But he complied with the invitation of the bishop, who had appointed him his archdeacon; and read lectures on the scriptures at Oxford five years, which attracted prodigious numbers of students to that university⁴¹. Being of a studious unambitious disposition, he declined a bishopric that was offered him by Henry I⁴². At length he became so famous, that he was called to Rome, A. D. 1143, by Celestine II. appointed a cardinal by Lucius II. and made chancellor of the holy see by Eugenius III.; and was esteemed the most learned of all the college of cardinals⁴³. He is believed to have died about A. D. 1150. He composed many theological works; but none of them have been printed, except his book of sentences, which is a body of scholastic divinity, written in a better style, and with greater perspicuity, than was common in those times⁴⁴.

Nicolas
Break-
spear.

Nicolas Breakspear, the only Englishman who ever sat in St. Peter's chair, was born near St. Albans, and in his youth performed the meanest menial offices about the abbey of that place, in which his father was a monk⁴⁵. Being rejected, for want of learning, by the abbot, when he

⁴⁰ Bulæi Hist. Univers. Paris. tom. 2. p. 153.

⁴¹ A. Wood, Hist. Univers. Oxon. p. 49.

⁴² Simeon Dunelm. col. 275.

⁴³ Bulæi Hist. Univers. Parisien. tom. 2. p. 244.

⁴⁴ Du Pin Hist. cent. 12. chap. 15.

⁴⁵ M. Paris, Hist. Abbat. St. Albani, p. 42. col. 2.

desired

desired to become a monk, and reproached by his father for his indolence, he left England, and went to Paris, where he applied to study with the greatest ardour⁴⁶. From Paris he travelled into Provence, and was admitted a monk in the abbey of St. Rufus, where he still continued to prosecute his studies, and recommended himself so effectually, that, on the first vacancy, he was chosen abbot. The monks, however, soon became weary of the government of a foreigner, and made bitter complaints against their new abbot to pope Eugenius III. This proved a very fortunaté event to our countryman. For the pope was so much pleased with the learning and eloquence he displayed in his own defence, that he thought him worthy of a higher station in the church, made him bishop of Alba, A. D. 1146, and a cardinal⁴⁷. Not long after he was sent as papal legate into Denmark and Norway; and acquitted himself so well in that station, that a vacancy happening in the papal throne about the time of his return to Rome, he was unanimously chosen pope in November 1154, and took the name of Adrian IV⁴⁸. Henry II. pleased with the elevation of one who had been his subject, sent three bishops and the abbot of St. Albans, to congratulate the new pope on his election⁴⁹. The ambassadors met with a most

⁴⁶ M. Paris, Hist. Abbat. St. Albani, p. 42. col. 2. W. Neubrigenf. l. 2. c. 6.

⁴⁷ Id. ibid.

⁴⁸ Platina in Vit. Adrian. IV. W. Neubrigenf. l. 2. c. 6.

⁴⁹ M. Paris, Vit. Abbat. St. Albani, p. 46.

gracious reception, and obtained from his holiness every favour the king of England desired, particularly a grant of the kingdom of Ireland, in which grant the high pretension to the property of all the islands in the sea was advanced⁵⁰: a proof, that though Adrian's origin was low, his spirit and his claims were as high as any of his predecessors. But this pontiff soon found the vanity of ambition even when it is most successful; for his pontificate, which lasted only four years and ten months, was one continued scene of disquiet and trouble; and, if we may believe some writers, his death was violent, A. D. 1159⁵¹. Though Adrian was a man of genius and learning, none of his works have been published, except his letters.

Histori-
ans.

England produced a great number of historians in the twelfth century, and it may not be improper to give a very brief account of the most considerable of them, without interruption, though it should make us depart a little from the exact order of time.

William
of Malmf-
bury.

William of Malmfbury, who is well entitled to stand at the head of our historians of the twelfth century, was born in Somersetshire, and, on that account, is sometimes called William Somerset. When he was but a child (as he himself acquaints us), he discovered a fondness for learning, which was encouraged by his parents,

⁵⁰ Rymeri Fœd. t. 1. p. 15.

⁵¹ Baron, Annal. tom. 12. an. 1154. M. Paris, Vita Abbat. p. 48.

and

and increased with his years³². “ I applied
 “ (says he) to the study of several sciences, but
 “ not with equal diligence. I went through a
 “ course of logic, but prosecuted it no further;
 “ with physic, or the art of curing diseases and
 “ preserving health, I was at more pains; for
 “ ethics, which lead to a good and happy life, I
 “ had still a higher veneration; but history,
 “ which is equally pleasant and profitable, was
 “ my favourite study. Having, at my own
 “ expence, procured the copies of some foreign
 “ histories, I then, at my leisure, began to
 “ enquire into the memorable transactions of my
 “ own country; and not finding any satisfactory
 “ history of them already written, I resolved to
 “ write one, not to display my learning, which
 “ is no great matter, but to bring things to light
 “ that are covered with the rubbish of anti-
 “ quity³³.” This design he executed with great
 ability and diligence, by writing a general history
 of England in five books, from the arrival of the
 Saxons, A. D. 449, to the 26th of Henry I.
 A. D. 1126; and a modern history in two books,
 from that year to the escape of the empress Maud
 out of Oxford, A. D. 1143; with a church-
 history of England in four books³⁴. In all these
 historical works (which are written in a Latin
 style more pure than that of any of his contem-
 poraries), he discovers great diligence, much

³² W. Malmf. Prolog. l. 11. p. 19.

³³ Id. ibid.

³⁴ Rerum Anglicar. Script. a Hen. Savile edit. London, 1596.

good

good sense, and a sacred regard to truth, accompanied with uncommon modesty. "I do not" (says he) set a very high value on the applause of my contemporaries, which I hardly expect; but I hope, that when both favour and malevolence are dead, I shall obtain from posterity the character of an industrious, though not of an eloquent historian⁵⁵." This excellent person, to whom all the lovers of English history are so much indebted, spent his life in the humble station of a monk and library-keeper in the abbey of Malmesbury, where he died, A. D. 1143⁵⁶.

Simeon
of Dur-
ham, &c.

Simeon of Durham, the contemporary of William of Malmesbury, merits a place among the historians and antiquaries of this period, for the great pains he took in collecting the monuments of our history, especially in the north of England, after they had been scattered by the Danes in their devastations of that country⁵⁷. From these he composed a history of the kings of England, from A. D. 616, to A. D. 1130, with some smaller historical pieces⁵⁸. Simeon both studied and taught the sciences, and particularly the mathematics, at Oxford, and became precentor of the church of Durham, where he died, probably soon after the conclusion of his history, which was continued by John, prior of Hexham, to A. D. 1156⁵⁹. Richard, who succeeded John

⁵⁵ Prolog. ad lib. 1.

⁵⁶ Cave Hist. Literaire, p. 661.

⁵⁷ Leland de Script. Brit. tom. 1. p. 188.

⁵⁸ Apud X Script. p. 67—256.

⁵⁹ Id. p. 257—282.

in the government of the priory of Hexham, wrote the history of the bishops of that church, and of four years of the reign of King Stephen, from A. D. 1135, to A. D. 1139⁶⁰.

Ailred, abbot of Revesby in Lincolnshire, was Ailredus born of noble parents, and educated in the court of David king of Scots, with his son prince Henry, who was one of the most studious, as well as one of the bravest princes of his age. After the death of Henry, Ailred retired into the abbey of Revesby; and became so famous for his piety and learning, that he might have attained to the highest dignities of the church, if he had not modestly declined them, and contented himself with the government of his own abbey, where he died A. D. 1166⁶¹. He left behind him many monuments of his piety and learning, besides his historical works, for which he is introduced in this place⁶². Several of his theological treatises are printed among the works of his friend St. Bernard, and his historical pieces in the collection of the ten ancient historians published by sir Roger Twysden, London, A. D. 1652.

Henry of Huntington was the son of one Henry of Nicolas, a married priest, and was born about Hunting- the beginning of the twelfth century, or end of ton. the eleventh. For he acquaints us, that he was made an archdeacon by Robert Bloet bishop of

⁶⁰ Apud X Script. p. 286—330.

⁶¹ Biographia Britan. vol. 1. p. 72.

⁶² X Script. p. 338—442.

Lincoln,

Lincoln, who died A. D. 1123⁶³. He was educated by Albinus of Anjou, a learned canon of the church of Lincoln, and in his youth discovered a great taste for poetry, by writing eight books of epigrams, as many of love-verses, with three long didactic poems, one of herbs, another of spices, and a third of precious stones⁶⁴. In his more advanced years he applied to the study of history; and at the request of Alexander bishop of Lincoln, who was his great friend and patron, he composed a general history of England, from the earliest accounts, to the death of king Stephen, A. D. 1154, in eight books⁶⁵. In the dedication of this work to bishop Alexander, he tells us, that in the ancient part of his history he had followed venerable Bede, adding a few things from some other writers; that he had compiled the sequel from several chronicles he had found in different libraries, and from what he had heard and seen⁶⁶. Towards the conclusion of this work, he very honestly acknowledges, that it was only an abridgment; and that to compose a complete history of England, many more books were necessary than he could procure⁶⁷. Mr. Wharton hath published a long letter of this author to his friend Walter, abbot of Ramsey, on the contempt of the world, which

⁶³ Anglia Sacra, tom. 2. p. 695.

⁶⁴ Leland de Script. Britan. tom. 1. p. 197.

⁶⁵ Vide Rerum Anglicarum Scriptores post Bedam a Hen. Savile edit. London, A. D. 1596. p. 169—228.

⁶⁶ Id. p. 169.

⁶⁷ Id. p. 228.

contains

contains many curious anecdotes of the kings, nobles, prelates, and other great men, who were his contemporaries⁶⁸.

Roger de Hoveden was born in Yorkshire, most probably at the town of that name, now called *Howden*, some time in the reign of Henry I. After he had received the first parts of education in his native county, he studied the civil and canon law, which were then become the most fashionable and lucrative branches of learning⁶⁹. He became domestic chaplain to Henry II. who employed him to transact several ecclesiastical affairs; in which he acquitted himself with honour. But his most meritorious work was, his annals of England, from A.D. 731, when Bede's ecclesiastical history ends, to A.D. 1202⁷⁰. This work, which is one of the most voluminous of our ancient histories, is more valuable for the sincerity with which it is written and the great variety of facts which it contains, than for the beauty of its style, or the regularity of its arrangement.

Roger
Hoveden

William Little, who is better known by his Latin name *Gulielmus Neubrigenfis*, was born at Bridlington in Yorkshire, A.D. 1136, and educated in the abbey of Newborough in the same county, where he became a monk⁷¹. In

William
Little.

⁶⁸ Anglia Sacra, tom. 2. p. 694—702.

⁶⁹ Leland de Script. Brit. l. 1. p. 229.

⁷⁰ Vid. Rerum Anglicar. a Savileo edit. p. 230—471.

⁷¹ Historia G. Nubrigen. a T. Hearne edit. Oxon. 1719, l. 1. c. 15. p. 53. Ibid. in fine Proemii.

his

his advanced years he composed a history of England in five books, from the Norman conquest, to A. D. 1197, which, for veracity, regularity of disposition, and purity of language, is one of the most valuable productions of this period. In his preface to this work, he made some very severe strictures on Geoffrey of Monmouth's British history, which have drawn upon him the displeasure of several ancient Britons, though it cannot be denied that his strictures were in general well founded, and discover a degree of critical discernment that was not very common in those times.

Gervase
of Can-
terbury.

Gervase of Canterbury, a monk of the monastery of Christ's church in that city, was one of the most voluminous historians of this period. His chronicle of the kings of England, from A. D. 1122 to A. D. 1200, and his history of the archbishops of Canterbury, from St. Augustine to archbishop Hubert, who died A. D. 1205, are his two most considerable performances of this kind, and are published, together with his smaller pieces, in the collection quoted below⁷². A strict attention to chronology in the disposition of his materials, is one of the chief excellencies of this historian.

Ralph de
Diceto.

Ralph de Diceto, archdeacon of London, was the contemporary of Gervase, and composed also two historical works, intitled, *Abbrevationes*

⁷² Hist. Anglican. Script. X. a R. Twissden edit. London, 1652, col. 1290—1683.

chronicorum, and *Imagines historiarum*, which are published in the same collection ⁷³.

Benedict, abbot of Peterborough, was educated at Oxford, became a monk in the monastery of Christ's church in Canterbury, and some time after was chosen prior by the members of that society. Though he had been a great admirer of archbishop Becket, and wrote a life of that prelate, he was so much esteemed by Henry II. that by the influence of that prince he was elected abbot of Peterborough, A. D. 1177 ⁷⁴. He assisted at the coronation of Richard I. A. D. 1189, and was advanced to be keeper of the great seal A. D. 1191 ⁷⁵. But he did not long enjoy this high dignity, as he died on Michaelmas-day A. D. 1193 ⁷⁶. Besides his life of archbishop Becket, he composed a history of Henry II. and Richard I. from A. D. 1170 to A. D. 1192; which hath been much and justly esteemed by many of our greatest antiquaries, as containing one of the best accounts of the transactions of those times. A beautiful edition of this work was published at Oxford, in two volumes, by Mr. Hearne, A. D. 1735. My gratitude for the information I have received from the perusal of the English historians of the twelfth century, who, in merit, as well as in

Benedic
Abbas.

⁷³ Hist. Anglican. Script. X. a R. Twissden. edit. London, 1652, col. 429—710.

⁷⁴ Benedictus Abbas a T. Hearne edit. Oxon. 1735, tom. 1. p. 210.

⁷⁵ Id. ibid. p. 556. 714.

⁷⁶ Roberti Swaphami Hist. Cœnob. Burgen. a Josepho Sparki edit. London, 1723, p. 102.

number,

number, are superior to those of any other nation of Europe, in that period, is in danger of making me forget the proportion that must be observed in the several parts of this work, or neglect those who were the chief ornaments of their country in other branches of learning.

John of
Salisbury.

John of Salisbury was born at Old Sarum, from which he derived his name, about A. D. 1116. For, according to his own account, after he had gone through a course of education in England, he went to the university of Paris, for his further improvement, A. D. 1136, at which time, it is probable, he was at least twenty years of age⁷⁷. In this famous seat of learning he spent no fewer than twelve years, attending the lectures of the most celebrated professors of the several sciences, particularly grammar, rhetoric, the Aristotelian philosophy, and theology⁷⁸. At his return into England he studied the civil law under Vacarius, who taught with great applause at Oxford, A. D. 1149⁷⁹. By this long and ardent application to study, under the best masters, he acquired a prodigious fund of knowledge, and became one of the most learned men of the age in which he flourished. Embracing the monastic life at Canterbury, he was the bosom-friend and chief confidant of two successive archbishops of that see, Theobald and

⁷⁷ J. Sarisburiensis. Metalog. l. 2. c. 10. p. 802.

⁷⁸ Id. ibid.

⁷⁹ J. Sarisburiensis. Policraticon, l. 8. c. 22. p. 672. Seldeni Dissertat. in Flet. c. 7. sect 3.

Thomas

Thomas Becket²⁰. To the last of these, while he was chancellor of England, our author dedicated his famous work, *De nugis curialium, et vestigiis philosophorum* (of the fopperies of courtiers, and the footsteps of philosophers), in an elegant Latin poem, containing some of the politest compliments to his patron. This work is indeed the most curious and valuable monument of the English literature of the twelfth century; and it is impossible to peruse it without admiring the virtue and good sense, as well as the genius and erudition of its author²¹. His connection with archbishop Becket involved him in many troubles; and he was the very first person banished out of England by Henry II. A. D. 1164, for his attachment to that prelate²². He continued almost seven years in exile, though he had the most inviting offers made him, not only of leave to return home, but also of the royal favour and preferment, if he would abandon the party of the archbishop. But to this he never would consent, declaring his resolution to die in exile, rather than forsake his friend and patron in his adversity; though he was far from approving of his conduct in every particular²³. His friendship for Becket was as active as it was steady, and prompted him to undertake no fewer than

²⁰ Bulæi Hist. Univers. Parisien. tom. 2. p. 731.

²¹ Vjd. J. Sarisburien. Policraticon, sive de Nugis Curialium et Vestigiis Philosophorum, lib. oct. Impress. Lugduni Batavorum, 1639.

²² Epist. S. Thomæ Cant. Ep. 2. l. 1. p. 8.

²³ Id. ibid. p. 137. 320.

ten journies into Italy, besides many others into different parts of France, in negotiating his affairs⁸⁴. At length he obtained permission to return into England a little before the archbishop, A. D. 1171, and was a mournful spectator of the murder of his beloved friend and patron⁸⁵. In the time of his exile our author had gained the favour of many persons of the highest rank, particularly of pope Alexander III. of the king of France, and of the archbishop of Sens, by whose Interest he was elected bishop of Chartres in that province, A. D. 1172⁸⁶. Having enjoyed this dignity almost ten years, he died A. D. 1182. John of Salisbury composed many other works, besides that already mentioned, particularly a very learned defence of grammar, rhetoric, and logic, against one whom he calls *Cornificius*, which contains a most curious account of the state of these sciences in this period⁸⁷. A collection of his letters, consisting of above three hundred, with a life of Thomas Becket, were published at Paris, A. D. 1611.

Peter of
Blois.

Peter of Blois (Petrus Blefensis) was born about A. D. 1120, at the city of Blois in France, from whence he derived his name. His parents, being opulent, gave him a learned education⁸⁸.

⁸⁴ J. Sarisburien. Metalog. l. 3. init. p. 838.

⁸⁵ Epist. S. Thomæ, l. 5. Ep. 64.

⁸⁶ Balæi Hist. Univers. Paris. tom. 2. p. 354.

⁸⁷ Vid. J. Sarisburienf. Metalog. lib. Quart. Impress. Lugduni Batav. 1639.

⁸⁸ Epist. P. Blefens. Ep. 90. 93.

In his youth, when he studied in the university of Paris, he was excessively fond of poetry; and when he was a little further advanced in life, he became no less fond of rhetoric, to the study of which he applied with the greatest ardour⁸⁹. From Paris he removed to Bononia in Italy, to acquire the civil and canon law, in the knowledge of both which he very much excelled⁹⁰. He appears from his writings to have cultivated medicine, and several branches of the mathematics, with no little care and success⁹¹. The study of theology was the chief delight and business of his life, in which he spent the greatest part of his time, and made the greatest progress. But unfortunately it was that scholastic theology, which consisted in vain attempts to prove and explain the many absurd opinions which then prevailed in the church, by the subtilties of Aristotelian logic⁹². In attempting to explain in this manner the most absurd of all opinions that ever existed amongst mankind, he was the very first person who employed the famous word *transubstantiation*, which was soon after adopted by the church of Rome, and hath ever since made so great a noise⁹³. Being appointed preceptor to William II. king of Sicily, A. D. 1167, he obtained the custody of the privy seal; and next to the archbishop of Palermo, the prime minister, had the greatest influence in all

⁸⁹ Epist. P. Blesens. Ep. 76. 26.⁹⁰ Ep. 6. 8.⁹¹ Ep. 41.⁹² Ep. 140.⁹³ Id. ibid.

affairs⁹⁴. But his power was not of long duration; for the archbishop being banished, A. D. 1168, our author soon after left the court of Sicily, and returned into France. He was not long, however, without a royal patron, being invited into England by Henry II. who employed him as his private secretary, made him archdeacon of Bath, and gave him some other benefices⁹⁵. When he had spent a few years at court, he conceived a disgust at that way of life (of which he hath drawn a very unpleasing picture in one of his letters), and retired into the family of Richard archbishop of Canterbury, who made him his chancellor about A. D. 1176⁹⁶. In this station he continued to the death of the archbishop, A. D. 1183, enjoying the highest degree of favour with that prelate, though he used much freedom in reproving him for his remissness in the government of the church⁹⁷. Our author remained in the same station in the family of archbishop Baldwin, who succeeded Richard, acting both as his secretary and chancellor. He was also sent by that prelate on an embassy to Rome, A. D. 1187, to plead his cause before pope Urban III. in the famous controversy, between him and the monks of Canterbury, about the church of Hackington⁹⁸. After the departure of his friend and patron Baldwin for the Holy Land, A. D. 1190, our author was

⁹⁴ Epist. P. Blesens. Ep. 131.

⁹⁵ Ep. 14. 38. 130.

⁹⁶ Gervas. Chron. col. 1498, 1499.

⁹⁷ Ep. 5.

⁹⁸ Ep. 149.

involve

involved in various troubles in his old age, the causes of which are not distinctly known, and died about the end of the twelfth century. He appears from his works, which may be justly reckoned among the most valuable monuments of the age in which he flourished, to have been a man of great integrity and sincere piety, as well as of a lively inventive genius, and uncommon erudition. His printed works consist of one hundred and thirty-four letters, which he collected together at the desire of Henry II.; of sixty-five sermons, delivered on various occasions; and of seventeen tracts on different subjects⁹⁹. Of the quickness of our author's invention, a very remarkable example hath been already mentioned; and whoever will give themselves the trouble to peruse his works, will meet with many proofs of his erudition¹⁰⁰.

Girald Barry, commonly called *Giraldus Cambrensis*, i. e. Girald of Wales, was born at the castle of Mainarper, near Pembroke, A. D. 1146¹⁰¹. By his mother he was descended from the princes of South Wales; and his father, William Barry, was one of the chief men of that principality. Being a younger brother, and intended for the church, he was sent to St. David's, and educated in the family of his uncle, who was bishop of that see. He acknowledges, in his

Girald
Barry.

⁹⁹ Vid. Opera P. Blesens. Parisiis'edit. A. D. 1667.

¹⁰⁰ See sect. 1. of this chap. p. 91.

¹⁰¹ Præfat. ad Ang. Sacr. tom. 2. p. 20. Id. p. 466.

history of his own life and actions, that in his early youth he was too playful; but being severely reproached for it by his preceptors, he became a very hard student, and greatly excelled all his school-fellows in learning¹⁰². When he was about twenty years of age, he was sent, A. D. 1166, for his further improvement, to the university of Paris; where he continued three years, and became, according to his own account, a most excellent rhetorician; which rendered him very famous¹⁰³. On his return into Britain, he entered into holy orders, and obtained several benefices both in England and Wales. Observing, with much concern, that his countrymen, the Welsh, were very backward in paying the tithes of wool and cheese, which he was afraid would involve them in eternal damnation, he applied to Richard archbishop of Canterbury, and was appointed his legate in Wales for rectifying that disorder, and for other purposes. He executed this commission with great spirit, excommunicating all without distinction, who refused to save their souls, by surrendering the tithes of their cheese and wool¹⁰⁴. Not satisfied with enriching, he also attempted to reform the clergy, and dilated the archdeacon of Brechin to the archbishop, for the unpardonable crime of matrimony; and the poor old man refusing to put away his wife, was

¹⁰² Girald Cambren. de Rebus a se gestis, l. 1. c. 2, apud Angl. Sacri. tom. 2. p. 467.

¹⁰³ Id. ibid.

¹⁰⁴ Id. ibid. c. 3, p. 468.

deprived.

deprived of his archdeaconry; which was bestowed upon our zealous legate ¹⁰⁵. In discharging the duties of this new office, he acted with great vigour, which involved him in many quarrels; but, if we may believe himself, he was always in the right, and always victorious. His uncle, the bishop of St. David's, dying A. D. 1176, he was elected his successor by the chapter: but this election having been made without the permission, and contrary to the inclination of Henry II. our author prudently declined to insist upon it, and went again to Paris to prosecute his studies, particularly in the civil and canon law and theology ¹⁰⁶. He speaks with great raptures of the prodigious fame he acquired by his eloquent declamations in the schools, and of the crowded audiences who attended them, who were at a loss to know whether the sweetness of his voice, the beauty of his language, or the irresistible force of his arguments, were most to be admired ¹⁰⁷. Having spent about four years at Paris, he returned to St. David's; where he found every thing in confusion; and the bishop being expelled by the people, he was appointed administrator by the archbishop of Canterbury, and governed the diocese in that capacity to A. D. 1184, when the bishop was restored ¹⁰⁸. About the same time he was called to court by

¹⁰⁵ Girald. Cambren. de Rebus a se gestis, l. 1. c. 4, 5, 6.

¹⁰⁶ Id. ibid. l. 1. c. 9, 10, 11. l. 2. c. 1.

¹⁰⁷ Ibid. l. 2. c. 1, 2.

¹⁰⁸ Ibid. c. 6, 7.

Henry II. appointed one of his chaplains, and sent into Ireland A. D. 1185, with prince John¹⁰⁹. By this prince he was offered the united bishoprics of Fernes and Leighlin; but declined them, and employed his time in collecting materials for his topography of Ireland, and his history of the conquest of that island. Having finished his topography, which consisted of three books, he published it at Oxford A. D. 1187, in the following manner, in three days. On the first day he read the first book to a great concourse of people, and afterwards entertained all the poor of the town; on the second day he read the second book, and entertained all the doctors and chief scholars; and, on the third day, he read the third book, and entertained the younger scholars, soldiers, and burgessees¹¹⁰. "A most glorious spectacle! (says he) which revived the ancient times of the poets, and of which no example had been seen in England." He attended Baldwin archbishop of Canterbury, in his progress through Wales, A. D. 1186, in preaching a croisade for the recovery of the Holy Land; in which, he tells us, he was far more successful than the primate; and particularly, that the people were prodigiously affected with his Latin sermons, which they did not understand, melting into tears, and coming in crowds to take the cross¹¹¹. Although Henry II,

¹⁰⁹ Girald. Cambren. de Rebus a se gestis, l. 1. c. 8. 10.

¹¹⁰ Ibid. c. 16,

¹¹¹ Ibid. c. 18.

as our author assures us, entertained the highest opinion of his virtues and abilities; yet he never would advance him to any higher dignity in the church, on account of his relation to the princes and great men of Wales. But on the accession of Richard I. A. D. 1189, his prospects of preferment became better: for he was sent by that prince into Wales to preserve the peace of that country, and was even joined in commission with William Longchamp, bishop of Ely, as one of the regents of the kingdom¹¹². He did not however, improve this favourable opportunity; refusing the bishopric of Bangor in A. D. 1190, and that of Landaff, the year after, having fixed his heart on the see of St. David's, the bishop of which was very old and infirm¹¹³. In A. D. 1192, the state of public affairs, and the course of interest at court, became so unfavourable to our author's views, that he determined to retire. At first he resolved to return to Paris to prosecute his studies; but meeting with some difficulties in this, he went to Lincoln, where William de Monte read lectures in theology with great applause¹¹⁴. Here he spent about six years in the study of divinity, and in composing several works. The see of St. David's, which had long been the great object of his ambition, became vacant A. D. 1198, and brought him again upon the stage. He was unanimously

¹¹² Girald. Cambren. de Rebus a se gestis, l. 1. c. 21. p. 495.

¹¹³ Ibid. c. 22. 24.

¹¹⁴ Ibid. l. 3. c. 3.

elected

elected by the chapter; but met with so powerful an adversary in Hubert archbishop of Canterbury (who opposed his promotion with great violence), that it involved him in a litigation, which lasted five years, cost him three journeys to Rome, at a great expence, and in which he was at last defeated, A. D. 1203¹¹⁵. Soon after this he retired from the world, and spent the last seventeen years of his life in a studious privacy, composing many books, of which we have a very correct catalogue in the work quoted below¹¹⁶. That Girald of Wales was a man of uncommon activity, genius, and learning, is undeniable; but these and his other good qualities were much tarnished by his insufferable vanity, which must have been very offensive to his contemporaries, as it is highly disgusting to his readers.

Many other men of genius and erudition flourished in Britain in this period; but, to give a full account of them, belongs rather to the biographer than to the general historian.

¹¹⁵ Girald. Cambren. de Rebus a se gestis, l. 3. c. 4—19.

¹¹⁶ Biographia Britannica, vol. 1. p. 512.

SECTION III.

History of the chief Seminaries of Learning in Great Britain, from A. D. 1166, to A. D. 1216.

ONE cause of the improvements in the sciences which took place in this period, was the increase of seminaries of learning. These may be divided into five classes, viz. 1. General studies or universities; 2. Episcopal or cathedral schools; 3. Monastic or conventual schools; 4. The schools of cities and towns; and, 5. The schools of the Jews. Of each of these classes we shall give a brief account.

Different
kinds of
schools.

That those seats of learning which are now called *universities*, were anciently called *studies*, is well known; as, the study of Oxford, the study of Paris, &c.¹ But about the end of the twelfth or beginning of the thirteenth century, the modern name seems generally to have prevailed, either because all kinds of learning were taught in them, and students of all countries were welcome to them, or because they were formed into legal communities, which, in the Latin of those times, were called *universitates*². Of such universities there were only two in Britain, Oxford and Cambridge.

Universities.

¹ J. Brompt. Chron. col. 814.

² A. Wood, Hist. Univ. Oxon. p. 18.

The

Oxford.

The state of public affairs was so unsettled for a considerable time, both before and after the conquest, and the city of Oxford in particular suffered so much, first from the Danes, and afterwards from the Normans, that it could not be in a flourishing condition as a seat of learning³. From Doomsday-book we find, that A. D. 1086 there were no fewer than five hundred and twenty-two ruinous or empty houses in Oxford, and only two hundred and forty-three inhabited. It hath been warmly agitated, whether the Conqueror's youngest son, afterwards Henry I. was educated at Oxford or Cambridge, without satisfactory evidence on either side⁴. That he built a palace, and sometimes resided, in the first of these places, is better attested⁵. It is also said, that Robert White, of whom an account hath been already given, taught with great reputation at Oxford in the reign of that learned prince⁶. But this seat of the muses was taken by storm, and reduced to ashes, A. D. 1141, by king Stephen; which dispersed both teachers and scholars. In a little time, however, they returned to their favourite residence; which, before the end of that reign, became famous for the study of the civil law⁷. This university became still more flourishing in the reign of Henry II. who was a learned prince, and a great patron of

³ A. Wood, *Hist. Univerf. Oxon.* p. 42—46.

⁴ *Id.* p. 46. col. 2. J. Caius in *Antiq. Cantab.* p. 97.

⁵ A. Wood, *Hist. Univerf. Oxon.* p. 49.

⁶ *Id.* *Ibid.*

⁷ *Id.* p. 52.

learning;

learning; though a great part of the city, and several schools or halls, were destroyed by an accidental fire A. D. 1190¹. Before that time the houses and halls of Oxford had been built of wood, and covered with straw; but after this fire, many of them were built of stone, and covered with tiles or lead. As Richard I. had been born at Oxford, he still retained an affection for it, and granted it so many privileges, that, in his reign, it became a rival to the university of Paris². In the reign of king John, when the university was in a prosperous state, an unfortunate event happened, A. D. 1209, which threatened it with destruction. A scholar, engaged in his diversion, accidentally killed a woman, and made his escape, for fear of punishment. A prodigious mob, with the mayor of the city at their head, immediately assembled, and surrounded the hall to which the unfortunate scholar belonged; and not finding him, seized and imprisoned other three, who were entirely innocent, and obtained an order from king John, who hated the clergy, to put them to death; which was executed without delay. The greatest part of the professors and scholars, enraged at this act of cruelty and injustice, abandoned Oxford to the number of three thousand, and retired, some to Cambridge, some to Reading, and some to Maidstone in Kent. They complained also to

¹ A. Wood, Hist. Univ. Oxon. p. 57.

² Bulzei Hist. Univ. Parisiens. tom. 2. p. 544, &c.

the pope, and obtained a bull, laying the city under an interdict, and discharging all professors from teaching in it. Their superstitious terrors and secular losses soon brought the people of Oxford to repent of the cruelty they had committed; and they sent a deputation of their most respectable citizens to Nicolas bishop of Tusculum, the pope's legate, to make their submissions, and promise obedience to all his commands. In consequence of this the legate issued a bull, dated at Ramsey, 26th June A. D. 1214, suspending those professors who had not left Oxford, from teaching for three years; prescribing the most humiliating penances to the inhabitants, and stipulating many advantages for the members of the university; and obliged the mayor, with fifty of the chief citizens, to take a solemn oath, in the name of all the rest, that they would comply with every article in that bull. When all these preliminaries were settled, the professors and scholars returned in such multitudes, and were so joyfully received by the citizens, that the university became more flourishing than it had ever been; and at the conclusion of this period consisted of about four thousand members¹⁰.

Cam-
bridge.

Cambridge suffered still more than Oxford, both from the Danes before, and the Normans after the conquest; and seems to have been longer and more entirely deserted as a seat of learning¹¹.

¹⁰ Wood, Hist. Ant. Univ. Oxon. p. 60, 61.

¹¹ J. Brompt. Chron. col. 887, 888. Chron. Saxon. p. 140.

This appears from the following distinct account of its revival, given by a writer of undoubted credit: "Joffrid, abbot of Croyland, A. D. 1109, sent to his manor of Cottenham, near Cambridge, master Gislebert, his fellow-monk, and professor of theology, with three other monks who had followed him into England; who being very well instructed in philosophical theorems, and other ancient sciences, went every day to Cambridge; and having hired a certain public barn, taught the sciences openly, and in a little time collected a great concourse of scholars. For in the very second year after their arrival, the number of their scholars from the town and country increased so much, that there was no house, barn, nor church, capable of containing them. For this reason they separated into different parts of the town, and imitating the plan of Orleans, brother Odo, a famous grammarian and satirist of those times, read grammar, according to the doctrine of Priscian, and Remigius upon him, to the boys and younger students assigned to him, early in the morning. At one o'clock brother Terricus, an acute philosopher, read Aristotle's logics, according to the introductions and commentaries of Porphyry and Averrois, to those who were further advanced. At three, brother William read lectures on Tully's rhetoric and Quintilian's institutions. But master Gislebert, being ignorant of the English, but very expert in the

" Latin

“ Latin and French languages, preached in the
 “ several churches to the people on Sundays and
 “ holidays.—From this little fountain, which
 “ hath swelled into a great river, we now behold
 “ the city of God made glad, and all England
 “ rendered fruitful, by many teachers and doc-
 “ tors issuing from Cambridge, as from a most
 “ holy paradise¹².” This last observation shews,
 that the university of Cambridge, after its re-
 vival by those learned monks in the beginning
 of the twelfth century, made such rapid progress
 that, before the end of that century, when Peter
 of Blois wrote, it had attained to a very flourish-
 ing condition. The town, and consequently the
 university, suffered much in the civil war be-
 tween king John and his barons, having been
 taken and plundered by both parties, A. D.
 1215¹³.

Paris.

So many of the ingenious youth of Britain, in
 this period, finished their education in the uni-
 versity of Paris, that it merits a little of our at-
 tention, though not strictly within our plan¹⁴.
 It was unquestionably the most celebrated seat of
 learning in Europe in those times, and was called
 by way of eminence, *The city of letters*¹⁵. All
 who excelled as teachers, or wished to improve
 as students, crowded to Paris, as the most proper
 place for displaying or acquiring talents. In the

¹² P. Blesens. Continuatio Hist. Ingulph. ann. 1109. p. 114, 115.

¹³ Fuller's Hist. Camb. p. 8.

¹⁴ Bulæi Hist. Univers. Parisien. l. 11. p. 299.

¹⁵ Id, ibid. p. 253. Histoire Littéraire de la France, tom. 9. p. 78.

twelfth

twelfth century we are assured, that the students in the university constituted one half of the inhabitants of that city¹⁶. The English, in particular, were so numerous, that they occupied several schools or colleges; and made so distinguished a figure by their genius and learning, as well as by their generous manner of living, that they attracted the notice of all strangers. This appears from the following verses, describing the behaviour of a stranger on his first arrival in Paris, composed by Negel Wircker, an English student there, A. D. 1170.

Pexus et ablutus tandem progressus in urbem,

Intrat in ecclesiam, vota precesque facit:

In ~~ad~~ scholas aditans, serum deliberat, utrum

Expediat potius illa vel illa schola.

Et quia subtiles sensu considerat Anglos,

Pluribus ex causis se sociavit iis.

Mosibus egregii, verbo vultuque venusti,

Ingenuo pollent, consilioque vigent.

Dona pluunt populis, et detestantur avaros,

Fercula multiplicant, et sine lege bibunt¹⁷.

The stranger dress'd, the city first surveys,

A church he enters, to his God he prays.

Next to the schools he hastens, each he views,

With care examines, anxious which to chuse.

The English most attract his prying eyes,

Their manners, words, and looks, pronounce them wise.

11 Theirs is the open hand, the bounteous mind;

Theirs solid sense, with sparkling wit combin'd.

Their graver studies jovial banquets crown,

Their rankling cares in flowing bowls they drown.

¹⁶ Histoire Littéraire de la France, tom. 9. p. 663.

¹⁷ A. Wood, Antiq. Oxon. p. 55.

" Latin and French languages, ^{the}
 " several churches to the people ^{the}
 " holidays.—From this list ^{the}
 " hath swelled into a great ^{the}
 " the city of God made ^{the}
 " rendered fruitful, b ^{the}
 " tors issuing from ^{the}
 " holy paradise " ^{the}
 that the univer ^{the}
 vival by those ^{the}
 of the twelfth ^{the}
 that, before ^{the}
 of Blois ^{the}

Paris.

ing co ^{for} the middle ages, the families
 univ ^{were} the chief seminaries of learning,
 tw ⁱⁿ which young persons were educated for the
 service of the church". These episcopal or
 cathedral schools still continued in this period.
 They were even better regulated, and conse-
 quently more useful and more famous. In the
 most ancient times, the bishop was commonly
 the chief, if not the only teacher, of his ca-
 thedral school; the faithful discharge of which
 laborious office was hardly compatible with the
 other duties of his function ²⁰. But in this pe-
 riod these schools were put under the direction
 of men of learning, who devoted their whole
 time and study to the education of youth, and
 had certain estates or prebends assigned for their

¹⁸ Histoire Littéraire de la France, tom. 9. p. 80—84.

¹⁹ Bulæ Hist. Univerf. Paris, tom. 1. p. 151, 152.

²⁰ Ibid.

support.

These teachers of the cathedral schools
the scholastics of the dioceses; and all
 who were designed for the church,
 the benefit of their instructions²¹.

William de Monte, who had
 Paris, and taught theology
 in the reign of Henry II.
 stic of that cathedral²².

of the third general

79, it was decreed,

to be settled in all cathe-

rent revenues for their support;

they should have authority to superin-

all the schoolmasters of the dioceses, and

grant them licences, without which none should
 presume to teach²³. The laborious authors of

the literary history of France, have collected a
 very distinct account of the scholastics who pre-

sided in the principal cathedral schools of that
 kingdom in the twelfth century, among whom

we meet with many of the most illustrious names
 for learning of that age²⁴. To attempt this with

respect to England, would be quite unsuitable to
 the nature of general history. The sciences that

were taught in these cathedral schools, were such
 as were most necessary to qualify their pupils for

performing the duties of the sacerdotal office, as

²¹ Du Cange Gloss. voc. *Scholasticus*.

²² Girald. Cambrensis, de Rebus a se gestis, l. 3. c. 3. apud. Ang.
 Sac. tom. 2. p. 499.

²³ Concil. tom. 10. p. 1518. c. 18.

²⁴ Histoire Littéraire de la France, tom. 9. p. 31-64.

grammar, rhetoric, logic, theology, and church-music.

Conven-
tual
schools.

The great increase of religious houses in this period, very much increased the number of seminaries of learning, as there was a school more or less famous in almost every convent²⁵. We may form some idea of the number added to the schools of England by this means, if we consider, that there were no fewer than five hundred and fifty-seven religious houses of different kinds founded in it between the conquest and the death of king John²⁶. One design of these monastic schools was, to instruct the younger monks in those branches of learning that were necessary to their decent performance of the service of the church, particularly in the Latin language and church-music. Some degree of knowledge of these parts of learning was so necessary, that without it none could be admitted into the monastic order in any of the chief abbeys; and the famous Nicolas Breakspear, afterwards pope Adrian IV. was rejected by Richard abbot of St. Alban's, for want of a sufficient share of learning²⁷. In these conventual schools the young monks were carefully instructed in the art of fair and beautiful writing; and those who excelled in that art, were for some years employed in the *scriptorium*, or writing-chamber, in

²⁵ Histoire Littéraire de la France, tom. 9. p. 92—135.

²⁶ See Preface to Tanner's *Notitia Monastica*.

²⁷ M. Paris, Vit. Abbat. St. Albani, p. 45. col. 2.

transcrib-

transcribing books for the use of the church and library²⁸. There were such schools also in nunneries for the instruction of the younger nuns; and in some of these schools they did not confine themselves to such parts of learning as were absolutely necessary, but studied also the Greek and Hebrew languages, philosophy, physick, and divinity²⁹. In the schools of all the larger monasteries, besides the necessary parts of learning, several other sciences were taught, as rhetoric, logic, theology, medicine, with the civil and canon law. These two last branches of learning, law and physick, being very lucrative, were so diligently studied and practised by the monks, that they were almost the only pleaders and physicians of those times. The abbey-school of St. Alban's, for example, was a famous seminary of learning in this period, in which all the sciences, particularly theology, law, and physick, were taught; as appears from the verses of Alexander Neckham, one of the most learned men of the twelfth century, who was educated, and afterwards presided, in that school. They were addressed to his friend Germunde, abbot of Gloucester, and may be seen below³⁰. Many persons

²⁸ M. Paris, Vit. Abbat. St. Albani, p. 32. col. 2.

²⁹ Histoire Literaire de la France, tom. 9. p. 127—132.

³⁰ Quod si forte foras claudat tibi Claudia, claustrum

Martyris Albani sit tibi tuta quies.

Hic locus ætatis nostræ primordia novit,

Annos felices, lætitiæque dies.

Hic locus ingenuis pueriles imbuunt annos

Artibus, et nostræ laudis origo fuit.

M 3

Hic

sons of rank and fortune were educated in these conventual schools, to which they frequently became benefactors³¹.

Schools in towns and cities.

Besides all these seminaries of learning already mentioned, there were established in this period, in all the chief cities and towns of England, a kind of illustrious schools, in which the youth were instructed not only in reading, writing, and grammar, but also in several other branches of learning, as rhetoric, logic, &c. We are told by William Fitz-Stephens, who flourished in the reign of Henry II. that there were three of these illustrious schools in London, firmly established; besides several others that were occasionally opened by such masters as had obtained a high reputation for their learning³². "On holidays" (says he) it is usual for these schools to hold "public assemblies in the churches, in which" "the scholars engage in demonstrative or logical disputations, some using enthymems, "and others perfect syllogisms; some aiming "at nothing but to gain the victory, and make "an ostentatious display of their acuteness, "while others have the investigation of truth "in view. Artful sophists, on these occasions, "acquire

Hic artes didici, docuique fideliter; inde

Accessit studio lectio sacra meo.

Audivi canones, Hippocratem cum Galieno,

Jus civile mihi displicuisse neges.

Leland de Script. Brit. t. 1. p. 240.

³¹ Historia Ramfienf. chap. 67. p. 430.

³² W. Stephanid. Descript. Civitat. London. edit. Oxon. 1723, 2. Jos. Sparke, p. 4.

“ acquire great applause; some by a prodigious
 “ inundation and flow of words, others by their
 “ specious but fallacious arguments. After the
 “ disputations, other scholars deliver rhetorical
 “ declamations, in which they observe all the
 “ rules of art, and neglect no topic of persua-
 “ sion. Even the younger boys in the different
 “ schools, contend against each other in verse,
 “ about the principles of grammar, and the
 “ preterites and supines of verbs.” There
 was, about the same time, a very famous aca-
 demy in the town of St. Alban’s (besides that in
 the abbey), under the government of Matthew
 a physician, who had been educated at Salerno,
 and of his nephew Garinus, who excelled in the
 knowledge of the civil and canon law. Of this
 academy Matthew Paris affirms, “ That there was
 “ hardly a school in all England, at that time, more
 “ fruitful or more famous, either for the number
 “ or proficiency of its scholars.” This plainly
 intimates, that there were many schools of the
 same kind in England; which is further evident
 from the last canon of the council of West-
 minster, A. D. 1138, prohibiting the scholastics
 of cathedral churches from taking money for
 granting licences to the teachers of the schools
 in the several towns and villages.”

* W. Stephanid. Descript. Civitat. London. Edit. Oxon, 1723, a
 Jos. Sparks, p. 4.

* M. Paris, Vit. Abbat. St. Alban, p. 62. col. 2.

* J. Brompt. Chron. p. 1348.

Jewish
schools.

That prodigious numbers of Jews crowded into England soon after the conquest, and resided in all its principal towns for some ages, is attested by all the historians of those times. Their numbers and riches were indeed so great, and the revenues derived from them by government so considerable; that (as we have already seen) a particular exchequer was appointed for their reception²⁶. Among these Jews there were many rabbies, and men of learning, who officiated as priests in their synagogues, and professors in their schools, which they had in London, York, Lincoln, Linn, Norwich, Oxford, Cambridge; and every other town where any considerable number of them resided²⁷. For though the sciences had been much neglected by the Jews for five or six centuries, they were cultivated by them in the twelfth with surprising ardour, and many of their rabbies of that age made a distinguished figure in the world of letters²⁸. In their schools, besides the rites of their religion, they taught the Hebrew and Arabic languages, arithmetic, for which they had much use in their money-transactions; and medicine, by which many of them acquired both riches and reputation²⁹. Nor were the academies of the Jewish rabbies shut against the Chris-

²⁶ Madox, Hist. Excheq. p. 150—173.

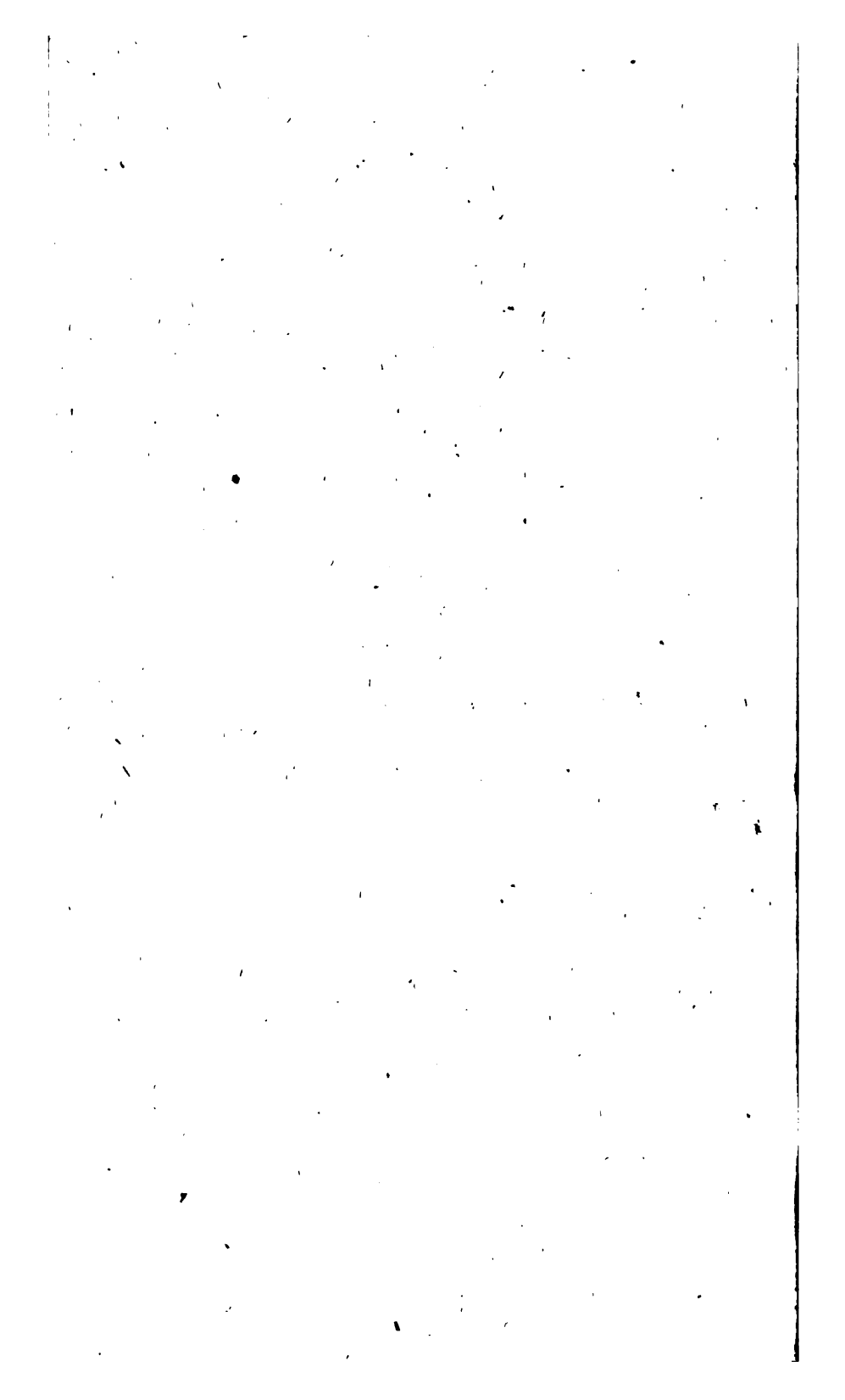
²⁷ M. Paris, p. 596. A. Wood, Ant. q. Oxon. p. 46. Gul. Neubrigenf. l. 4. c. 7. p. 368. G. 10. p. 379.

²⁸ Histoire Littéraire de la France, tom. 9. p. 132, &c.

²⁹ Id. ibid.

tian youth, but open to all who chose to take the benefit of their instructions.

From this brief account of the seminaries of learning established in Britain in the period we are now examining, it is abundantly evident, that the general *ignorance* of the laity was owing rather to the taste and manners of the times, than to the want of opportunities of acquiring at least a moderate degree of knowledge. But the truth seems to be, that this *ignorance* prevailed most amongst those in the highest and those in the lowest ranks of life; which was occasioned by the extreme dissipation of the former, who spent almost all their time, when they were not engaged in war, in rural diversions or domestic riots; and by the no less extreme depression of the latter, who were doomed to perpetual servitude and hard labour. For it is well known, that these two extremes are equally unfriendly to intellectual pursuits.



THE
HISTORY
OF
GREAT BRITAIN.

BOOK III.

CHAP. V.

*History of the Arts in Great Britain, from the
landing of William duke of Normandy, A. D.
1066, to the death of king John, A. D. 1216.*

THE arts and sciences are so nearly connected, and have so great an influence upon one another, that they commonly flourish or decline together. In the preceding chapter we have seen, that the circle of the sciences was enlarged, and that some of them were cultivated with greater care and success in this than they had been in the former period. In this chapter we shall perceive that a similar improvement took place at the same time, both in the necessary and pleasing arts, of which we shall give a plain and succinct account in two sections.

The arts
improved
in this
period.

SECTION I.

*History of the necessary Arts in Britain, from A. D.
1066, to A. D. 1216.*

What are
necessary
arts.

BY the necessary arts we understand such as are employed in procuring nourishment, lodging, clothing, and defence, which are justly esteemed necessary to the preservation and comfortable enjoyment of human life. Of this kind are, agriculture, architecture, the clothing arts, and those of defensive and offensive war, together with the various arts that are necessary to their operations. It is true indeed, that architecture and the clothing arts, after they have passed a certain point of perfection, may be termed ornamental rather than necessary. But as it is impossible to fix that point; and as their primary object was to administer to our necessities, there can be no great impropriety in arranging them, in every period of this work, under the division of necessary arts. On the other hand, some arts, as those of catching beasts and birds, which, in the infancy of society, were of all others the most necessary, in a more advanced period become the favourite amusements of the great, and are prohibited to the common people. These therefore in this and the succeeding periods of this work, are

are to be omitted in the history of arts, and introduced only in the article of diversions.

Though pasturage and fishing were exercised as necessary arts in this as in every other period, we know of no important improvement that was made in either of them that merits a place in history. Those who exercised them were in general of servile condition, and were transferred from one proprietor to another, with the estates to which they were annexed.

Pasturage
and fish-
ing.

As agriculture, in its several branches, is the most useful of all arts, it merits our particular attention in every period. That the conquest of England by the Normans contributed to the improvement of this art in Britain, is undeniable. For by that event many thousands of husbandmen, from the fertile and well-cultivated plains of Flanders, France, and Normandy, settled in this island, obtained estates or farms, and employed the same methods in the cultivation of them that they had used in their native countries. Some of the Norman barons were great improvers of their lands; and are celebrated in history for their skill in agriculture. “ Richard de Rulos, lord of Brunne and Deeping (says Ingulphus), was much addicted to agriculture, and delighted in breeding horses and cattle. Besides inclosing and draining a great extent of country, he imbanked the river Wielland-

Agriculture.

† Rymeri Fœdera, tom. I. p. 8. Hist. Ingulphi, Oxon. edit. 1684. tom. I. p. B7.

(which

“ which used every year to overflow the neigh-
 “ bouring fields) in a most substantial manner;
 “ building many houses and cottages upon the
 “ bank; which increased so much, that in a
 “ little time they formed a large town called
 “ *Deeping*, from its low situation. Here he
 “ planted orchards, cultivated commons, con-
 “ verted deep lakes and impassable quagmires
 “ into fertile fields, rich meadows, and pastures;
 “ and, in a word, rendered the whole country
 “ about it a garden of delights.” From the
 above description, it appears, that this noble-
 man (who was chamberlain to William the Con-
 queror) was not only fond of agriculture, but
 also that he conducted his improvements with skill
 and success.

The clergy
 made im-
 prove-
 ments in
 agricul-
 ture.

The Norman clergy, and particularly the
 monks, were still greater improvers than the
 nobility; and the lands of the church, especially
 of the convents, were conspicuous for their supe-
 rior cultivation. For the monks of every mo-
 nastery retained such of their lands as lay most
 convenient in their own possession, which they
 cultivated with great care, under their own in-
 spection, and frequently with their own hands.
 It was so much the custom of the monks of this
 period to assist in the cultivation of their lands,
 especially in seed-time, hay-time, and harvest,
 that the famous Thomas Becket, after he was
 archbishop of Canterbury, used to go out to the

* Hist. Ingulphi, Oxon. edit. 1684. tom. 1. p. 77, 78.

fields,

fields, with the monks of the monasteries where he happened to reside, and join with them in reaping their corns and making their hay*. This is indeed mentioned by the historian as an act of uncommon condescension in a person of his high station in the church; but it is a sufficient proof that the monks of those times used to work with their own hands, at some seasons, in the labours of the field. And as many of them were men of genius and invention, they no doubt made various improvements in the art of agriculture. The 26th canon of the general council of Lateran, held A. D. 1179, affords a further proof that the protection and encouragement of all who were concerned in agriculture, was an object of attention to the church. For by that canon, it is decreed, “that all presbyters, clerks, monks, converts, pilgrims, and peasants, when they are engaged in the labours of husbandry, together with the cattle in their ploughs, and the seed which they carry into the field, shall enjoy perfect security; and that all who molest or interrupt them, if they do not desist when they have been admonished, shall be excommunicated*.”

The implements of husbandry were of the same kind, in this period, with those that are employed at present; but some of them were less perfect in their construction. The plough, for example, had but one stilt or handle, which the

Implements of husbandry.

* Chron. Gervas, col. 1400.

* Id. col. 1456.

plough.

ploughman guided with one hand, having in his other hand an instrument which served both for cleaning and mending his plough, and breaking the clods⁵. The Norman plough had two wheels; and, in the light soil of Normandy, was commonly drawn by one ox, or two oxen; but in England a greater number, according to the nature of the soil, was often necessary⁶. In Wales the person who conducted the oxen in the plough, walked backwards⁷. Their carts, harrows, scythes, sickles, and flails, from the figures of them still remaining, appear to have been nearly of the same construction with those that are now used⁸. In Wales they did not use a sickle in reaping their corns, but an instrument like the blade of a knife, with a wooden handle at each end⁹. Water-mills for grinding corn were very common; but they had also a kind of mills turned by horses, which were chiefly used in their armies, and at sieges, or in places where running water was scarce¹⁰.

Opera-
tions
of hus-
bandry.

Though the various operations of husbandry, as manuring, ploughing, sowing, harrowing, reaping, threshing, winnowing, &c. are incidentally mentioned by the writers of this period,

⁵ See Mr. Strutt's compleat View of the Manners, &c. of England, vol. 2. p. 12.

⁶ M. Montfaucon *Manumens de Monarchie Française*, tom. 1. plate 47. Girald. Cambrenf. Descript. Cambrie, c. 17.

⁷ Id. *ibid.* ⁸ Mr. Strutt's View, vol. 1. plate 26. plate 32, 33.

⁹ Girald. Camb. *ibid.*

¹⁰ Gaufrid Vinifaus. *Iter Hierosolymit.* l. 1. c. 33. M. Paris. Vit. Abbat. p. 24. col. 2.

it is impossible to collect from them a distinct account of the manner in which these operations were performed. Marl seems still to have been the chief manure next to dung, employed by the Anglo-Norman, as it had been by the Anglo-Saxon and British husbandmen¹¹. Summer-fallowing of lands designed for wheat, and ploughing them several times, appears to have been a common practice of the English farmers of this period. For Giraldus Cambrensis, in his description of Wales, takes notice of it as a great singularity in the husbandmen of that country, "that they ploughed their lands only once a-year in March or April, in order to sow them with oats; but did not, like other farmers, plough them twice in summer, and once in winter, in order to prepare them for wheat¹²." On the border of one of the compartments in the famous tapestry of Baieux, we see the figure of one man sowing, with a sheet about his neck, containing the seed under his left arm, and scattering it with his right hand; and of another man harrowing with one harrow, drawn by one horse¹³. In two plates of Mr. Strutt's very curious and valuable work, quoted in the next page, we perceive the figures of several persons engaged in mowing, reaping, threshing, and winnowing; in all which operations there appears

¹¹ M. Paris, Hist. p. 181. col. 1. In Vit. Abbat. p. 101. col. 1.

¹² Giral. Cambrenf Descript. Cambriæ, c. 8. p. 287.

¹³ Montfaucon Monumens de Monarchie Française, tom. 1. plate 47.

to be little singular, or different from modern practice¹⁴.

State of
agricul-
ture in
Scotland:

Agriculture seems to have been in a very imperfect state in Scotland towards the end of this period. For in a parliament held at Scone, by king Alexander II. A. D. 1214, it was enacted, that such farmers as had four oxen or cows, or upwards, should labour their lands, by tilling them with a plough, and should begin to till fifteen days before Candlemas; and that such farmers as had not so many, as four oxen, though they could not labour their lands by tilling, should delve as much with hand and foot as would produce a sufficient quantity of corn to support themselves and their families¹⁵. But this law was probably designed for the highlands, and most uncultivated parts of the kingdom. For in the same parliament, a very severe law was made against those farmers who did not extirpate a pernicious weed called *gilde* out of their lands, which seems to indicate a more advanced state of cultivation¹⁶.

Garden-
ing.

All the branches of gardening were much improved in England by the Normans, who coming from a country abounding with gardens, orchards, and vineyards, naturally laboured to introduce the same accommodations in their new settlements. William of Malmfbury, who flourished in the former part of the twelfth century,

¹⁴ Mr. Strutt's compleat View of the Manners, Customs, &c. of England, vol. 1. plates 11, 12.

¹⁵ Regiam Majestatem, p. 37.

¹⁶ Id. p. 335.

celebrates

celebrates the vale of Gloucester, near to which he spent his whole life, for its great fertility both in corn and fruit-trees, some of which the soil produced spontaneously by the way-sides, and others were cultivated, yielding such prodigious quantities of the finest fruits as were sufficient to excite the most indolent to be industrious¹⁷. "This vale (adds he) is planted thicker with vineyards than any other province in England; and they produce grapes in the greatest abundance, and of the sweetest taste. The wine that is made in these vineyards hath no disagreeable tartness in the mouth, and is very little inferior in flavour to the wines of France¹⁸." This is a decisive proof that vineyards were planted and cultivated in England, in this period, for the purpose of making wine. Many of these vineyards were planted by abbots and bishops, for the benefit of their monks and clergy. Martin, for example, abbot of St. Edmundsbury, planted a vineyard for the use of his abbey, A.D. 1140; and Hugh bishop of Lincoln paid a fine to the king of no less than five hundred marks, that the crops of corn produced on the estates, and wine made in the vineyards, together with the wine-presses, belonging to that see in the year in which a bishop died, should be the property of the bishop, though he should happen to die before Martinmas¹⁹. This

¹⁷ W. Malmf. de Pontific. Angl. l. 4. fol. 161. ¹⁸ Id. ibid.

¹⁹ Chron. Saxon. p. 240. Hist. Canob. Burgens. p. 88. Madox. Hist. Excheq. p. 289.

fine, it is true, was paid to Henry III. about fourteen years after the conclusion of this period; but the vineyards had been planted long before, and our kings had been accustomed to claim the produce of them when a bishop died before Martimas.

Famines
in Eng-
land.

But notwithstanding all the improvements that were made in agriculture, and that England was reputed the most fertile country in Europe, it cannot be denied, that there were some very severe famines felt in it in the course of this period²⁰. An attentive examination, however, of the circumstances of these famines will serve still further to convince us, that agriculture was much improved, and a more constant supply of the necessaries of life provided, by the Normans, after they had obtained a firm establishment. For of the five great famines that raged in this period, four happened within a few years after the conquest, and were partly produced by the dreadful devastations of war; and the only destructive famine that fell out in the twelfth century (A. D. 1125) was occasioned by prodigious rains and floods in harvest; against the fatal effects of which no skill or industry of the husbandman can guard²¹.

Architec-
ture.

Architecture, in all its branches, received as great improvements in this period as agriculture. The truth is, that the twelfth century may very properly be called the age of architecture,

²⁰ Chron. Saxon. p. 178. 184. 188. 204. 229.

²¹ Id. *ibid.*

in which the rage for building was more violent in England than at any other time. The great and general improvements that were made in the fabrics of houses and churches in the first years of this century, are thus described by a contemporary writer : “ The new cathedrals and innumerable churches that were built in all parts, together with the many magnificent cloisters and monasteries, and other apartments of monks, that were then erected, afford a sufficient proof of the great felicity of England in the reign of Henry I. The religious of every order, enjoying peace and prosperity, displayed the most astonishing ardour in every thing that might increase the splendour of divine worship. The fervent zeal of the faithful prompted them to pull down houses and churches every where, and rebuild them in a better manner. By this means the ancient edifices that had been raised in the days of Edgar, Edward, and other Christian kings, were demolished, and others of greater magnitude and magnificence, and of more elegant workmanship, were erected in their room to the glory of God.”

As the prodigious power of religious zeal, whatever turn it happens to take; when it is thoroughly heated, is well known, it may not be improper to give one example of the arts employed by the clergy and monks of this period,

Arts of
the clergy,

“ Orderic. Vital. Hist. Eccles. l. 10. p. 722.

to inflame the pious ardour of the kings, nobles, and people, for building and adorning churches. When Joffred, abbot of Croyland, resolved to rebuild the church of his monastery in a most magnificent manner, A. D. 1106, he obtained from the archbishops of Canterbury and York, a bull dispensing with the third part of all penances for sin to those who contributed any thing towards the building of that church. This bull was directed not only to the king and people of England, but to the kings of France and Scotland, and to all other kings, earls, barons, archbishops, bishops, abbots, priors, rectors, presbyters, and clerks, and to all true believers in Christ, rich and poor, in all Christian kingdoms. To make the best use of this bull, he sent two of his most eloquent monks to proclaim it over all France and Flanders, two other monks into Scotland, two into Denmark and Norway, two into Wales, Cornwall, and Ireland, and others into different parts of England. "By this means" (says the historian) "the wonderful benefits granted to all the contributors to the building of this church were published to the very ends of the earth; and great heaps of treasure and masses of yellow metal flowed in from all countries, upon the venerable abbot Joffred, and encouraged him to lay the foundations of his church." Having spent about four years in collecting mountains of different kinds of marble from quarries both at home and abroad, together with great quantities of lime, iron, brass,

brass, and other materials for building, he fixed a day for the great ceremony of laying the foundation, which he contrived to make a very effectual mean of raising the superstructure. For on the long-expected day, the feast of the holy virgins Felicitas and Perpetua, an immense multitude of earls, barons, and knights, with their ladies and families, of abbots, priors, monks, nuns, clerks, and persons of all ranks, arrived at Croyland, to assist at this ceremony. The pious abbot Joffred began by saying certain prayers, and shedding a flood of tears, on the foundation. Then each of the earls, barons, knights, with their ladies, sons, and daughters, the abbots, clerks, and others, laid a stone, and upon it deposited a sum of money, a grant of lands, tithes, or patronages, or a promise of stone, lime, wood, labour, or carriages, for building the church. After this the abbot entertained the whole company, amounting to five thousand persons at dinner²³. To this entertainment they were well intitled; for the money, and grants of different kinds, which they had deposited on the foundation-stones, were alone sufficient to have raised a very noble fabric. By such arts as these the clergy inspired kings, nobles, and people of all ranks, with so ardent a spirit for these pious works, that in the course of this period almost all the secret edifices in England were rebuilt, and many hundreds of new

²³ P. Blefens, Continuat. Hist. Ingulph. p. 113—120.

ones raised from the foundation. Nor was this spirit confined to England, but prevailed as much in Scotland in proportion to its extent and riches. King David I. alone, besides several cathedrals and other churches, built no fewer than thirteen abbeys and priories, some of which were very magnificent structures²⁴.

Sacred architecture.

The sacred architecture of the Anglo-Normans in the beginning of this period, did not differ much in its style and manner from that of the Anglo-Saxons; their churches being in general plain, low, strong, and dark; the arches both of the doors and windows semicircular; with few or no ornaments²⁵. By degrees, through much practice, our architects, who were all monks or clergymen, improved in their taste and skill, and ventured to form plans of more noble, light, and elevated structures, with a great variety of ornaments; which led to that bold magnificent style of building, commonly, though perhaps not very properly, called *the latter Gothic*. It is not improbable that our monkish architects were assisted in attaining this style of building by models from foreign countries, or by instructions from such of their own number as had visited Italy, France, Spain, or the East. But, without entering into uncertain disputes about the origin of this style of architecture, it is sufficient

²⁴ Spottiswood's Religious Houses.

²⁵ Dr. Ducarel's Anglo-Norman Antiquities, p. 102, &c. Mr. Strutt's Manners, &c. of England, vol. 1. p. 102. Bentham's Hist. Ely. pref. Grose's Antiquities of England, pref. p. 63, &c.

to observe, that it began to appear in England in the reign of Henry II. and was distinguished from the more ancient Gothic by the following marks. The walls were much higher though not so thick, and supported on the outside by buttresses;—the doors and windows were wider and loftier; and the arches of both were no longer semicircular, but pointed; and were sometimes ornamented with clusters of pillars on each side, and great variety of carvings;—the larger windows had mullions of stone for ornament; and for the conveniency of fixing the glass, the pillars that supported the roof were lofty and slender, and frequently surrounded with small pillars that made them appear like a cluster;—the arches of the roof, like those of the doors and windows, were pointed;—the roof was covered with lead, and the fabric ornamented on the top at each end with pinnacles, and with a tower over the middle of the cross; on which, about the end of this period, very lofty spires of wood or stone began to be erected²⁵. This mode of architecture, which, with some variations, flourished more than three centuries, produced many stupendous edifices, which are still viewed with pleasure and admiration. Many of these magnificent structures were built with stones brought from the quarries near Caen in

²⁵ Str Christ Wren's Parentalia, p. 298. Benthani, Hist. Ely, pref. Grose's Antiquities, pref. p. 70.

Normandy, which very much enhanced the expence of their erection ²⁷.

Civil architecture.

The houses of the common people in the country, and of the lower burgeses in towns and cities, were very little improved in their structure in the course of this period; that most numerous and useful order of men being much depressed in the times we are now delineating. Even in the capital city of London, all the houses of mechanics and common burgeses were built of wood, and covered with straw or reeds, towards the end of the twelfth century ²⁸. But the palaces, or rather castles, of the Anglo-Norman kings, barons, and prelates, were very different from the residences of persons of the same rank in the Anglo-Saxon times. For this we have the testimony of a person of undoubted credit, who was well acquainted with them both. "The Anglo-Saxon nobles (says William of Malmfbury) squandered away their ample revenues in low and mean houses; but the French and Norman barons are very different from them, living at less expence, but in great and magnificent palaces ²⁹." The truth is, that the rage of building fortified castles, was no less violent among the Norman princes, prelates, and barons, than that of building churches. To this they were prompted, not only by the custom of their native country, but

²⁷ Gröse's Antiquities, pref. p. 77.

²⁸ Stow's Survey of London, vol. i. p. 59.

²⁹ W. Malmf. p. 57. col. 2.

also by their dangerous situation in this island, Surrounded by multitudes, whom they had depressed and plundered, and by whom they were abhorred, they could not think themselves safe without the protection of deep ditches and strong walls. The Conqueror himself was sensible, that the want of fortified places in England had greatly facilitated his conquest, and might facilitate his expulsion; and therefore he made all possible haste to remedy this defect, by building very magnificent and strong castles in all the towns within the royal demesnes. "William (says Matthew Paris) excelled all his predecessors in building castles, and greatly harassed his subjects and vassals with these works³⁰." All his earls, barons, and even prelates, imitated his example; and it was the first care of every one who received the grant of an estate from the crown, to build a castle upon it for his defence and residence. The disputes about the succession in the following reigns, kept up this spirit for building great and strong castles. William Rufus was still a greater builder than his father. "This William (says Henry Knyghton) was much addicted to building royal castles and palaces, as the castles of Dover, Windsor, Norwich, Exeter, the palace of Westminster, and many others, testify; nor was there any king of England

³⁰ M. Paris, Hist. p. 8. col. 2. Simeon Dunelm. Hist. col. 197, 198. R. de Diceto Chron. col. 482.

" before

“ before him that erected so many, and such “ noble edifices ”.” Henry I. was also a great builder both of castles and monasteries ”. But this rage for building never prevailed so much in any period of the English history as in the turbulent reign of king Stephen, from A. D. 1135 to A. D. 1154. “ In this reign (as we are told by “ the author of the Saxon Chronicle) every one “ who was able, built a castle; so that the “ poor people were worn out with the toil of “ these buildings, and the whole kingdom was “ covered with castles ”.” This last expression will hardly appear too strong, when we are informed, that besides all the castles before that time in England, no fewer than eleven hundred and fifteen were raised from the foundation in the short space of nineteen years ”.

Military
architec-
ture.

An art so much practised as architecture was in this period, must have been much improved. That it really was so, will appear from the following very brief description of the most common form and structure of a royal castle, or of that of a great earl, baron, or prelate, in this period; and as these castles served both for residence and defence, this description will serve for an account both of the domestic and military architecture of those times, which cannot well be separated.

³¹ Hen. Knyghton, col. 2373.

³² R. de Diceto Chron. col. 505.

³³ R. de Diceto, col. 528.

³⁴ Chron. Saxon. p. 238.

Descrip-
tion of a
castle.

The situation of the castles of the Anglo-Norman kings and barons, was most commonly on an eminence, and near a river; a situation on several accounts eligible. The whole site of the castle (which was frequently of great extent and irregular figure) was surrounded by a deep and broad ditch, sometimes filled with water, and sometimes dry, called *the fosse*³⁵. Before the great gate was an outwork, called a *barbacan*, or *antemural*, which was a strong and high wall, with turrets upon it, designed for the defence of the gate and draw-bridge³⁶. On the inside of the ditch stood the wall of the castle, about eight or ten feet thick, and between twenty and thirty feet high, with a parapet, and a kind of embrasures, called *crennels*, on the top. On this wall at proper distances square towers of two or three stories high were built, which served for lodging some of the principal officers of the proprietor of the castle, and for other purposes; and on the inside were erected lodgings for the common servants or retainers, granaries, storehouses, and other necessary offices. On the top of this wall, and on the flat roofs of these buildings, stood the defenders of the castle, when it was besieged, and from thence discharged arrows, darts, and stones, on the besiegers. The great gate of the castle stood in the course of this wall, and was strongly fortified with a tower on each side, and rooms over the passage, which was closed with thick

³⁵ Du Cange Gloss. voc. *Fossatum*.

³⁶ Id. voc. *Barbacana*.

folding-

folding-doors of oak, often plated with iron, and with an iron portcullis or grate let down from above. Within this outward wall was a large open space or court, called in the largest and most perfect castles, the *outer bayle* or *ballium*, in which stood commonly a church or chapel. On the inside of this outer bayle was another ditch, wall, gate, and towers, inclosing the inner bayle or court, within which the chief tower or *keep* was built. This was a very large square fabric, four or five stories high, having small windows in prodigious thick walls, which rendered the apartments within it dark and gloomy. This great tower was the palace of the prince, prelate, or baron, to whom the castle belonged, and the residence of the constable or governor. Under ground were dismal dark vaults, for the confinement of prisoners, which made it sometimes be called *the dungeon*. In this building also was the great hall, in which the owner displayed his hospitality, by entertaining his numerous friends and followers³⁷. At one end of the great halls of castles, palaces, and monasteries, there was a place raised a little above the rest of the floor, called *the deis*, where the chief table stood, at which persons of the highest rank dined³⁸. Though there were unquestionably great variations in the structure of

³⁷ See Mr. Grose's Preface, p. 5, 6, 7. 8. to his *Antiquities of England and Wales*, from which I gratefully acknowledge the above description is chiefly taken.

³⁸ M. Paris, *Vit. Abbat.* p. 92. col. 1. p. 148. col. 1.

castles and palaces in this period, yet the most perfect and magnificent of them seem to have been constructed nearly on the above plan. Such, to give one example, was the famous castle of Bedford, as appears from the following account of the manner in which it was taken by Henry III. A.D. 1224³⁹. The castle was taken by four assaults. "In the first was taken the " barbacan; in the second the outer ballia; at the " third attack, the wall by the old tower was " thrown down by the miners, where, with " great danger, they possessed themselves of the " inner ballia, through a chink; at the fourth " assault, the miners set fire to the tower, so " that the smoke burst out, and the tower itself " was cloven to that degree, as to shew visibly " some broad chinks; whereupon the enemy sur- " rendered⁴⁰."

The castles, monasteries, and greater churches of this period, were generally covered with lead, the windows glazed; and when the walls were not [of ashler, they were neatly plastered and whitewashed on both sides⁴¹. The doors, floors, and roof, were commonly made of oak planks and beams, exactly smoothed and jointed, and frequently carved⁴². It is hardly necessary to observe, that the building one of these great and magnificent castles, monasteries, or churches, of

Famous
architects.

³⁹ M. Paris, Hist. Ang. p. 221, 222.

⁴⁰ Camden's Britannia, vol. 1. p. 314. col. 2.

⁴¹ M. Paris, Vit. Abbat. p. 42. col. 2. ⁴² Id. ibid. p. 79. col. 2.

which

which there were many in England, must have been a work of prodigious expence and labour; and that the architects and artificers, by whom that work was planned and executed, must have attained considerable dexterity in their respective arts. Several of these architects have obtained a place in history, and are highly celebrated for their superior skill. William of Sens, architect to archbishop Lanfranc in building his cathedral, is said, by Gervase of Canterbury, to have been a most exquisite artist both in stone and wood. He made not only a model of the whole cathedral, but of every particular piece of sculpture and carving, for the direction of the workmen; and invented many curious machines for loading and unloading ships, and conveying heavy weights by land, because all the stones were brought from Normandy⁴³. Matthew Paris speaks even in a higher strain of Walter of Coventry, who flourished towards the end of this period, when he says, that "so excellent an architect had never yet appeared, and probably never would appear, in the world⁴⁴." This encomium was undoubtedly too high; but it is impossible to view the remains of many magnificent fabrics, both sacred and civil, that were erected in this period, without admiring the genius of the architects by whom they were

⁴³ Gervas de Combustione et Reparatione Dorobernenf. Ecclef. col. 1290, 1291.

⁴⁴ M. Paris, Vit. Abbat. p. 79. col. 2.

planned,

planned, and the dexterity of the workmen by whom they were executed.

Though the arts of refining and working metals, which are so useful in themselves, and so necessary to the practice of the other arts, were very far from being in an imperfect state among the Anglo-Saxons, they certainly received some improvements in the present period⁴⁵. The art of making defensive armour, in particular, was brought to such perfection, that a knight completely armed was almost invulnerable⁴⁶. A suit of this armour consisted of many different pieces, for the several parts of the body, nicely jointed, to make them sit easy, and allow freedom of motion and exertion of strength; the whole was well tempered, finely polished, and often beautifully gilt, which are sufficient evidences of the dexterity of the artists⁴⁷. But those who wrought in the more precious metals of gold and silver, had attained to still greater perfection in their art. This appears from the direct testimony of contemporary writers, and from the descriptions of some of the works of these artists. When Robert, abbot of St. Albans, sent a present of two candlesticks made of gold and silver, with wonderful art, to his countryman pope Adrian IV. A. D. 1158, they were greatly admired and praised by that pontiff and his courtiers, who acknowledged they had never beheld any pieces

Metallurgic
arts.

⁴⁵ See vol. 4. chap. 5. p. 127.

⁴⁶ Orderic. Vital. p. 854.

⁴⁷ Martin. Anecd. tom. 1. col. 1306.

of workmanship of that kind so exquisitely beautiful⁴⁸. A goldsmith, named Baldwine, who flourished in the reign of Henry II. was very famous, and made many admirable pieces of plate for the use of churches. " Simon, abbot
 " of St. Albans (says Matthew Paris), dedi-
 " cated to God, and the church of the holy
 " martyr Alban, for the perpetual preservation
 " of his own memory, a very large cup of gold,
 " than which there was not one more noble or
 " beautiful in all England. It was made of the
 " purest gold, by that renowned goldsmith,
 " master Baldwine, adorned with flowers and
 " foliages of the most delicate workmanship,
 " and set around with precious stones in the
 " most elegant manner. Besides this, he gave
 " to that church a vessel for keeping the eu-
 " charist, which was suspended over the high
 " altar, and excited universal admiration. It
 " was made by the hand of the same Baldwine;
 " and though it was of the finest gold, and en-
 " riched with precious stones of inestimable va-
 " lue, the workmanship was more excellent than
 " the materials⁴⁹." These artists also excelled
 in casting figures of all kinds, in brass, silver,
 and gold, for ornamenting cabinets, shrines, al-
 tars, and the like. There was in the same abbey
 of St. Alban's a shrine adorned with the whole
 history of our Saviour's passion, in such cast
 figures⁵⁰. The excessive riches of the church in

⁴⁸ M. Paris, Vit. Abbat. p. 47. col. 1.⁴⁹ Id. ibid. p. 60. col. 2.⁵⁰ Id. ibid. p. 61. col. 1.

this period, and the ambition of many prelates and abbots, to display their piety and gratify their pride, by adorning their cathedrals and abbeys, contributed very much to the improvement of this, and of several other arts, by affording the highest encouragement to the artists. The truth is, that many of the most curious artists of this period were ecclesiastics, and some of them even prelates; and that in some churches there were certain prebends appropriated to those of their clergy who excelled as architects, workers in stone, wood, or metals, and such arts as were necessary in building and adorning monasteries and cathedrals⁵¹.

The arts of dressing and spinning wool and flax, weaving both linen and woollen cloth, and several other clothing-arts, were well known to the Anglo-Saxons, and practised by them with no little success, before the conquest⁵². There is however sufficient evidence that all these arts were improved after that event, in the course of our present period. This was partly owing to the great multitude of manufacturers of cloth, who came from Flanders, and settled in England, in those times. The people of that country were then so famous for their skill in the woollen manufactory, that one of our ancient historians says, "the art of weaving seemed to be a peculiar gift bestowed upon them by na-

Clothing
arts.

⁵¹ *Histoire Littéraire de la France*, tom. 7. p. 141, 142. tom. 9. p. 221, &c.

⁵² See vol. 4 chap. 5 p. 132—137.

“ture”. By this they were so much enriched, that some of their manufacturers and merchants rivaled princes in wealth and luxury. Besides the great number of Flemings who came over in the army of the Conqueror, there were several considerable emigrations of them from their own country into England, particularly in the reigns of Henry I. and king Stephen⁵³. After their settlement in this island, which abounded in the best materials for their manufactories, they pursued their former occupation with great advantage to themselves and to the kingdom. Giraldus Cambrensis, in his itinerary of Wales, observes, that “the inhabitants of the district of
“Ross in Pembrokehire, who derived their
“origin from Flanders, were much addicted to,
“and greatly excelled in, the woollen manu-
“factory”.⁵⁴”

Weavers
gilds.

For the improvement of the clothing-arts the weavers in all the great towns of England were formed into gilds or corporations, and had various privileges bestowed upon them by royal charters, for which they paid certain fines into the exchequer. The weavers of Oxford paid a mark of gold for their gild, in the fifth of king Stephen; those of London paid sixteen pounds for theirs in the fifteenth, and those of Lincoln fined two chafeures or hounds for theirs in the

⁵³ Gervas Chron. col. 1349.

⁵⁴ J. Brompt. Chron. 1003. Gervas, col. 1349.

⁵⁵ Girald. Cambrensis. Itinerarium Walliæ, l. i. ch. xl. p. 848.

twelfth of the same reign⁵⁶. In the twelfth of Henry II. the weavers of Winchester paid one mark of gold as a gresome, and two marks as their annual rate, for enjoying the rights of their gild, and the privilege of chusing their own aldermen; and in the same year, the fullers of the same city, who formed another corporation, paid six pounds for their gild⁵⁷.

In the reign of Richard I. the woollen manufactory became the subject of legislation; and a law was made, A. D. 1197, for regulating the fabrication and sale of cloth. By that law, “it was enacted,—That all woollen cloths shall every where be made of the same breadth, viz. two ells within the lists; and of the same goodness in the middle as at the sides.—That the ell shall be of the same length over all the kingdom, and that it shall be made of irón.—That no merchant in any part of the kingdom of England shall stretch before his shop or booth, a red, or black cloth, or any other thing, by which the sight of buyers is frequently deceived in the choice of good cloth.—That no cloth of any other colour than black shall be sold in any part of the kingdom, except in cities and capital burghs; and that in all cities and burghs, four or six men, according to the size of the place, shall be appointed to enforce the observation of these regulations, by seizing the persons and

Laws respecting the woollen manufactory,

⁵⁶ Madox Hist. Excheq. ch. 13. sect. 3. p. 323.

⁵⁷ Id. ibid.

“ goods of all who transgress them “.” This remarkable law demonstrates, that the manufactory of broad cloth was not only established in England in this period, but that it had arrived at considerable maturity, and had become an object of national attention. There is evidence still remaining that this law was for some time very strictly executed; but that in the reign of king John, when every thing became venal, the merchants and manufacturers purchased licences to make their cloth either broad or narrow as they pleased, which brought considerable sums into the royal exchequer⁵⁹.

Tapestry,

That tapestry hangings, with historical figures woven in them, were used in England in this period, we have the clearest evidence. Richard, who was abbot of St. Albans from A. D. 1088 to A. D. 1119, made a present to his monastery of a suit of hangings, which contained the whole history of St. Alban⁶⁰. But whether these hangings had been made in England or not is uncertain, although it is not improbable that this curious art might be introduced by some of the many manufacturers from the Netherlands, who settled in Britain in this period.

Silks.

Silks of various kinds are frequently mentioned both in the records and by the historians of this period, and even seem not to have been very

⁵⁸ Hoveden. Annal. p. 440, col. 2. M. Paris Hist. Ang. p. 134.

⁵⁹ Hoveden. Annal. p. 467. col. 2.

⁶⁰ M. Paris, Vit Abbat. p. 35. col. 1.

uncommon,

uncommon. For we often meet with accounts of silk vestments, cops, altar-cloths, hangings, &c. in great quantities, purchased by prelates, for the use of themselves, their clergy, and their churches⁶¹. Nor was the use of silks confined to the church and clergy. They were worn also by kings, queens, princes, and other persons of high rank, especially on solemn occasions⁶². But it is much more probable, that these silks were imported from Spain, Sicily, Majorca, Ivica, and other countries, than that they were manufactured in Britain. The silk manufactory seems to have flourished greatly, at this time, in the two last-mentioned islands, as each of them paid an annual tribute of two hundred pieces of silk to the king of Arragon⁶³. Roger king of Sicily having taken the cities of Corinth, Thebes, and Athens, A. D. 1148, got into his hands a great number of silk weavers, brought them, with the implements and materials for the exercise of their art, and settled them at Palermo in Sicily⁶⁴. A writer who visited this manufactory, A. D. 1169, represents it to have been then in a most flourishing condition, producing great quantities of silks, both plain and figured, of many different colours. "There (adds he) you might have seen other workmen making silks

⁶¹ *Anglia Sacra*, tom. 2. p. 416. 421. W. Malmf. p. 118. *Historia Cænobii Burgenf.* a Josepho Sparke edit. London 1723. p. 100, &c.

⁶² *Madox hist. Excheq.* chap. 10, sect. 12.

⁶³ *R. Hoveden. Annal.* p. 337. col. 2.

⁶⁴ *Otto Frisingenf. Hist. Imp. Frederic. l. 1. c. 33.*

“ interwoven with gold, and adorned with figures, composed of many sparkling gems⁶⁵.” It will afterwards appear, that those elegant arts were not long confined to Sicily.

Embroid-
ery.

We have already seen, that the Anglo-Saxon ladies before the conquest, excelled in the art of embroidery⁶⁶. This art was rather improved than injured by that event, and the English ladies still maintained their superiority in this respect. When Robert abbot of St. Albans visited his countryman pope Adrian IV. he made him several valuable presents, and, amongst other things, three mitres, and a pair of sandals, of most admirable workmanship. His holiness refused his other presents, but thankfully accepted of the mitres and sandals, being charmed with their exquisite beauty. These admired pieces of embroidery were the work of Christina abbess of Markgate⁶⁷. Another pope, not long after, admiring the embroidered vestments of some English clergymen, asked where they had been made; and being answered—in England,—he cried out, —“ O England! thou garden of delights, thou “ inexhaustible fountain of riches, from thee I “ never can exact too much;” and immediately dispatched his bulls to several English abbots, commanding them to procure him some of these embroidered cloths and silks for his own dress⁶⁸.

⁶⁵ Falcaldus Historia Sicula, Prefat.

⁶⁶ See vol. 4. ch. 5. p. 133.

⁶⁷ M. Paris, Vit. Abbat. p. 46.

⁶⁸ Spelman. Gloss. voc. Aurifrisia. M. Paris Hist. p. 473.

From

From the descriptions of these sacerdotal vestments in our ancient writers, they seem to have merited the admiration which they excited. Some of them (as we are informed by contemporary writers) were almost quite covered with gold and precious stones, and others adorned with the most beautiful figures of men, beasts, birds, trees, and flowers⁶⁹. It may not however be improper to suggest, that if these and other works, which appeared so exquisitely beautiful to the writers of this period, were now extant, it is probable that they would not excite so much admiration, in the present age, when the arts are so much improved.

No art was more necessary, more cultivated, or more improved, in Britain, in this period, than that of war. “The Normans (says William of Malmſbury) are a people who delight in war, and are unhappy when they are not engaged in some military operation. They excel in all the arts of attacking their enemies when their forces are sufficient; and, when these are defective, they are no less expert in military stratagems, and the arts of corruption by money⁷⁰.”

The armies of Britain, and of all the nations of Europe, in the feudal times, consisted chiefly of cavalry, composed of earls, barons, knights, and others, who held their lands by knights ser-

⁶⁹ M. Paris, Vit. Abbat. p. 40. col. 1. Historia Cœnobii Burgenſ.
p. 100, 101.

⁷⁰ W. Malmſ. l. 3. p. 57. col. 2.

vice;

vice; or of their substitutes. All these were obliged, by their tenures, to take the field when called upon by their sovereign, together with a certain number of knights, well mounted, and properly armed, and to serve a certain number of days at their own expence, their lands being considered as their pay. As it often happened, that many who held lands by knights service, were superannuated, or infirm or otherwise incapable of performing that service in person, they were permitted, or rather obliged, to perform it by proper substitutes. The clergy also, who possessed a great proportion of lands, for which they could not in person perform the military services, because they were prohibited by the canons, were subjected to the same necessity of performing these services by substitutes, that the national defence might be complete. As many of the wars of the kings of England, in this period, were carried on in Normandy and France, the personal performance of their military services became very inconvenient and expensive to the possessors of lands in England; which induced many of them to redeem these services, by paying the tax called *scutage*. With the money arising from this tax, the kings engaged foldiers of fortune to perform the services. The cavalry therefore of the British armies, in this period, consisted of such earls, barons, and knights, as were able and willing to perform the military services for their lands in person, and of the substitutes of the clergy and others, either provided

provided by themselves, or hired by the king. If all these, belonging to England, had been collected together, they would have formed a body of sixty thousand horsemen, as there were sixty thousand knights fees in that kingdom ⁷¹.

The defensive armour of the British cavalry hath been already described, except their shields, which they carried on their left arms, and with which they warded off the blows of their enemies ⁷². These shields were of an oval form, considerably broader at the top than at the bottom. Even the horses of some of the princes, earls, barons, and chief knights, were covered with armour of steel or iron ⁷³. The offensive arms of the cavalry were, 1. long spears, or lances, made of some light strong wood, as fir or ash, and pointed with steel, very sharp, and well tempered; 2. long and broad swords, double-edged, and sharp-pointed; 3. a short dirk or dagger ⁷⁴.

Defensive
armour.

The infantry of the British armies of this period consisted of the freemen of the several British states, who did not hold lands of the sovereign by knights service, but were possessed of property to a certain extent, for which they were obliged to contribute to the public defence. By the famous assize of arms made by Henry II. A. D. 1181, every freeman who was possessed of sixteen marks, either in lands or goods, was ob-

Infantry.

⁷¹ Orderic. Vital. p. 523.

⁷² See p. 193.

⁷³ Hoveden, Annal. p. 44. col. 2.

⁷⁴ Hoveden, p. 350. col. 1.

liged

liged to provide the armour and weapons of a man at arms; and every freeman and burgess who possessed ten marks, was obliged to provide the armour and arms of an ordinary foot-soldier⁷⁵. The defensive armour of a man at arms was a coat of mail, a helmet, and a shield; and his offensive weapons, a spear and a sword. The defensive armour of an ordinary foot-soldier was a wambois, or jacket twilted with cotton, and an iron scull-cap; his offensive arms, a spear, or a bow and arrows, or a sling, with a sword. These arms, by the same assize, were neither to be sold, nor pledged, nor seized for debt, nor any way alienated, but transmitted by every man to his heir; and if any one who possessed them was not capable of using them, he was obliged to provide one who was capable, when he was called into the field⁷⁶. By these wise regulations every man who had any valuable stake in the state, was obliged to contribute to the public safety, and was constantly provided with the means of doing it.

Merce-
nary
troops.

Besides these national forces, there were, in this period, several bands of mercenary soldiers of fortune, who made a trade of war, and were occasionally taken into the pay of the kings of England. These were called by various names, as, *Ruptarii*, *Bragmanni*, *Coterelli*, and most commonl, *Brabanzons*, because many of them were

⁷⁵ Hoveden, p. 350. col. 1.

⁷⁶ Id. *ibid*.

natives

natives of Brabant⁷⁷. They are painted by the historians of those times in the most odious colours, as a collection of desperate lawless ruffians, who lived by plunder, when they were not employed in war⁷⁸. Stephen seems to have been the first English king who took these miscreants into his pay; and his example was imitated by his three successors, Henry II. Richard I. and John⁷⁹. But it was only in times of great confusion, when many of their own subjects had revolted, that our princes had recourse to such destructive auxiliaries. These troops of banditti, rather than of soldiers, became at length so terrible, especially to the clergy, that they were solemnly excommunicated by the third general council of Lateran, A. D. 1179, and a crusade was set on foot for their extermination⁸⁰. One Durand, a common carpenter, pretending to have received a commission from the Virgin Mary in a vision, A. D. 1182, put himself at the head of this crusade, and formed a military society for the destruction of the Brabanzons; which, after a long and bloody struggle, was accomplished⁸¹.

The sovereign of every feudal state was, by the constitution, generalissimo or commander in

Military
officers.

⁷⁷ Du Cange Gloss. voc. *Ruptarii, Cotere'li, Brabantes.* Anglia Sacra, tom. 2. p. 391.

⁷⁸ Gervasii Chron. col. 1461.

⁷⁹ J. Hagulstad, col. 282. W. Neubrigen. l. 2. c. 27. Anglia Sacra, tom. 2. p. 391. M. Paris Vita Abbat. p. 77. col. 2.

⁸⁰ Benedict. Abbas, tom. 1. p. 229. ad ann. 1179.

⁸¹ Gervas Chron. col. 1461.

chief

chief of its forces; and all the British princes of this period performed that office in person, appearing constantly at the head of their armies. This was not altogether owing to the martial character of these princes, but was absolutely necessary to preserve some degree of discipline in armies composed of haughty independent barons and their followers. The constable, who was the highest military officer, commanded under the king, and with the assistance of the marshal and his officers, superintended the musters, regulated the quarters, marches, and incampments; determined all disputes, and appointed the punishment of delinquents, according to martial law². Every earl commanded the troops of his county, and every baron those of his barony. All these offices or commands were hereditary; which, as John of Salisbury observes, was a defect in the military system of the middle ages, because by this means many persons were invested with offices of great importance, for which they were naturally unqualified. “ In our time
 “ (says he) military skill and discipline have
 “ much declined, and are almost quite de-
 “ stroyed; because many possess the highest of-
 “ fices, without having passed through the sub-
 “ altern degrees; who are proud indeed of
 “ their commands and titles, but despise the
 “ most necessary qualifications. Young men

² Pasquier Recherches, p. 104. Spelman Gloss. voc. *Constabularius*, *Mariscallus*.

“ who are gamesters, hunters, hawkers, and
 “ even natural fools, who have never handled
 “ arms, or acquired any knowledge of the arts
 “ of war, take upon them to act the part of ge-
 “ nerals ⁸³. ”

The royal standard was considered as the centre of the whole army. In the day of battle it was carried by some great baron, who was standard-bearer of the kingdom, whose office was very honourable, and commonly hereditary. Henry de Essex was standard-bearer of England in the reign of Henry II. but in a battle against the Welsh, A. D. 1157, he was seized with a panic, and threw down the royal standard; on which the whole army concluded that the king was killed. Being tried for this crime, and convicted, he was condemned to lose his office, his fortune, and his life; which last was spared by the clemency of the king ⁸⁴. Every earl and baron had his particular standard painted with the armorial ensigns of his family; and even bishops and abbots had also standards, with different devices, that accompanied their troops when they took the field ⁸⁵. These standards served not only to distinguish one body of troops from another, and to be a centre of union to each, but they also contributed to animate the soldiers to fight with courage for their preserva-

Standards.

⁸³ J. Sarisburiensis de Nugis Curialium, l. 6. c. 16. p. 366.

⁸⁴ J. Brompt. Chron. col. 1048. Gervas Chron. col. 1380.

⁸⁵ Simeon Dunelm. Hist. col. 262.

tion;

tion; because to lose their standard, was esteemed the greatest disgrace. The shapes and devices of these standards may be seen in the works quoted below⁸⁶.

Martial
music.

The several corps in the army had bands of martial music, which served to cheer them in their marches, to rouse and inflame their courage in battle, and to drown the cries and groans of the wounded. These martial musicians made use of various instruments, as horns, trumpets, drums, flutes, fifes, and heroins; the last of which are now unknown⁸⁷. The charge to battle was given by the sound of all the instruments of martial music in both armies, commonly accompanied with the shouts or martial songs of the combatants⁸⁸.

Order of
battle.

It is not to be imagined that any particular rule was fixed for the arrangement of the troops in the order of battle. This must at all times be liable to great variations, arising from the nature of the ground, the quality of the troops, the genius of the commanders, the dispositions of the enemy, and other circumstances. In general, however, the Normans seem to have drawn up their different kinds of troops in different lines, rather than to have formed them into one solid

⁸⁶ Mr. Strutt's regal and ecclesiastical Antiquities of England, plate 3. His complete View of the Manners, &c. of England. vol. i. plates 38. 46, 47.

⁸⁷ Vinefauf. Iter Richardi Regis, l. 3. c. 2.

⁸⁸ W. Pictavien. p. 201. Orderic. Vital. p. 501. Hen. Knyghton, col. 2342.

compact body, which was the most common method of the Anglo-Saxons. In the famous battle of Hastings, the different practice of the two nations was most conspicuous. King Harold formed his whole army into one solid body, which made a kind of castle, impenetrable on all sides, of which the royal standard was the centre⁸⁹. The duke of Normandy, on the contrary, drew up his army in three lines, according to the custom of his country. "In the first line (to use the words of a contemporary historian, who was a witness of what he relates) he placed the foot, who were armed with bows and arrows, or with slings; in the second line he placed the heavy armed foot, who were defended with coats of mail; and in the third line he placed his cavalry, in which his chief strength consisted, and among whom he was in person⁹⁰." Agreeable to this disposition of the Norman army, the battle was begun by the first line, with a shower of arrows and stones from their bows and slings; which did considerable execution, but could not break the solid phalanx of their enemies, who repulsed them by throwing darts, javelins, and stones. The second line then advanced to the attack; and was in the same manner repulsed. At last the cavalry advanced in a deep and heavy body, and with their lances and swords made a most furious assault upon the

⁸⁹ R. de Diceto, col. 480. J. Brompt. col. 960.

⁹⁰ W. Pictaviens. p. 201.

English; who still stood firm like a wall composed of shields and spears; and if they had not been tempted, by the pretended flight of their enemies, to depart from their original disposition, they would have been invincible⁹¹. But though the above seems to have been the most common method used by the Normans in the arrangement of their troops; yet so many deviations from it occur in the descriptions of the battles fought in Britain and Normandy in this period, that they cannot be enumerated. In the famous battle of the Standard, for example, they adopted the Anglo-Saxon method, and formed their forces into one compact body, with the standard in the centre⁹². In the great battle (to give only one example more) that was fought between Henry I. and the king of France at Brenneville in Normandy, A. D. 1119, a different disposition was made by Henry, who formed the first and second lines of cavalry, and the third of infantry⁹³.

Artillery.

Besides their lances, spears, darts, cross bows, arrows, slings, which may be called the small arms of the middle ages, they had a kind of field-artillery which they used in battle. This artillery consisted of certain machines made of wood, which, by various contrivances, and combinations of the mechanic powers, threw darts and stones with great force to a great dis-

⁹¹ W. Pictavien, p. 201.

⁹² R. Hagulstad de Beilo Standardi, col. 312.

⁹³ J. Brompt. Chron. col. 1007.

tance. Such machines were used with success in the famous battle of Hastings, and in several other battles⁹⁴. The darts that were shot from these machines, as well as from the cross bows, were called *quarrels*; and were pointed with heavy pieces of steel, shaped like pyramids, and very sharp, which made them very destructive⁹⁵. This kind of artillery was more frequently used in sea-fights, than in battles on shore; and in these fights they discharged not only stones and darts, but also pots full of Greek-fire, quick-lime, and other combustible materials⁹⁶.

As sea-fights have been mentioned, it may not be improper to give the following description of one that was fought in this period, between the Christian and Turkish fleets, before Ptolemais, translated from an author who was an eye-witness of what he describes: "Modern ships of war" (says Geoffrey de Vineauf) are either galleys "or galliots. Galleys are long, low, and narrow, with a beam extended from the prow, "which is commonly called *the spur*, with which "they pierce the ships of the enemy. Galliots "have only one bank of oars, are much shorter, "more easily wrought, and fitter for throwing "fire. When both parties prepared for battle, "our men drew up their ships, not in a straight "line, but bending a little like a crescent,

⁹⁴ W. Pistorien. p. 201.

⁹⁵ Du Cange Gloss. voc. *Quadrillus*.

⁹⁶ G. Vineauf. Iter Richardi Regis, l. i. c. 34. Hoveden. Annal. col. 394.

“ placing the strongest ships on the points, that
“ if the enemy attempted to break our line,
“ they might be surrounded. The sea was perfectly calm and smooth, as if it had been prepared for the occasion, that neither the rowers, nor combatants, might miss their strokes. The signal of battle was given by the sound of the trumpets on both sides, followed by dreadful shouts and showers of darts. Our men, imploring the divine assistance, plied their oars, and pushed the spurs of their galleys against the ships of their enemies. Now the battle raged.—Oars are entangled with oars,—grappling-irons fix one ship to another,—the combatants engage hand to hand,—and the boards are set on fire by a flaming oil, which is commonly called *Greek-fire*. This fire hath a most fetid smell, with livid flames, and consumes even flints and iron: water makes no impression upon it; a sprinkling of sand abates it; but it can only be extinguished by vinegar. O how terrible, how cruel, is a sea-engagement! Some are tortured by fire,—some absorbed by the waves,—and others expire with wounds. One of our galleys was set on fire and boarded by the Turks. The rowers plunged into the sea, to save their lives by swimming; but a few knights, who were heavily armed, fought in despair, slew all the Turks, and brought their galley half-burnt to land. In another of our galleys, the Turks seized the upper bank of oars, while the Christians
“ kept

“ kept possession of the lower, and by their
 “ pulling different ways, it was tossed in a
 “ miserable manner. In this engagement the
 “ Turks lost one galley and one galliot, with
 “ their crews, while we came off triumphant and
 “ victorious ⁹⁷. ”

Greek-
fire.

The Greek-fire, mentioned in the above description, seems to have been one of the most terrible instruments of destruction employed in military operations, before the invention of gun-powder. It was called *Greek fire*, because it was invented by the Greeks of the Eastern empire, who, for several centuries, kept the composition of it a profound secret. In that period, the emperors of Constantinople used to send quantities of this fire to princes in friendship with them, as the most valuable present they could give them, and as the greatest mark of their favour ⁹⁸. But the composition of this liquid fire, as it is sometimes called, seems to have been no longer a secret in the twelfth century, as it was then used in very great quantities, not only by the Christians of all nations in the Holy Land, but also by the Turks ⁹⁹. It is said to have been a composition of sulphur, bitumen, and naphtha ¹⁰⁰. It had a very strong and disagreeable smell, as we may easily suppose from

⁹⁷ Vinefauf. Iter Richardi Regis, l. 1. c. 34.

⁹⁸ Luethprand, l. 5. c. 4. Delmar. l. 3. p. 33.

⁹⁹ N. Trivet. Chron. ad ann. 1191.

¹⁰⁰ Du Cange Not. ad Joinvil. p. 71.

its ingredients; burnt with a livid flame, and so intense a heat, that it consumed not only all soft combustible substances, but even stones and metals ¹⁰¹. When it fell, in any considerable quantity, upon a warrior, it penetrated his armour, and peeled his flesh from his bones, with exquisite pain, which made it an object of great terror ¹⁰². This liquid fire was kept in phials and pots, and in these was discharged from machines upon the enemy ¹⁰³. One of its most singular properties was, that it burnt in water, which did not in the least abate its violence; but it yielded to several other things, particularly to sand, urine, and vinegar, according to the monkish verses quoted below ¹⁰⁴. For this reason, when an army made an assault, in which they expected to be opposed by Greek-fire, they provided themselves with these things for its extinction. "Greek fire (says Geoffrey de Vineauf, "in describing an assault) was discharged upon "them from the walls of the castle and city, like "lightning, and struck them with great terror; "but they endeavoured to preserve themselves "from it, by sand, vinegar, and other extinguish- "ers ¹⁰⁵."

¹⁰¹ Vineauf. l. i. c. 24.

¹⁰² Id. l. 2. c. 14.

¹⁰³ Du Cange, voc. *Ignis Græcus*.

¹⁰⁴ Percreat, O Utinam, ignis hujus vena;
Non enim extinguitur aqua, sed arena;
Vixque vinum acidum arctat ejus fræna,
Et uina stringitur ejus vix habena.

¹⁰⁵ G. Vineauf. *Historia Captionis Danorum*, ch. 9.

As Britain abounded, in this period, in fortified towns and castles, much of the art of war consisted in defending and assailing places of strength. The manner in which these fortifications were constructed hath been already described¹⁰⁶. They were defended by discharges of the various kinds of small arms and artillery then in use, from the ramparts, and by counter-acting all the arts and efforts of the besiegers. It would be a very tedious work to enumerate all the arts and all the machines that were employed in this period in assailing and defending places. For as the combinations of the mechanic powers in forming engines for bursting open gates, undermining, scaling, and battering walls, throwing stones, darts, and fire, and for opposing all these efforts, are almost innumerable, great scope was given to the genius and invention both of the besiegers and besieged. The consequence of this was, that there were few sieges of great importance in which some new machine was not invented. Of these machines above twenty different kinds are mentioned by the writers of this period¹⁰⁷. But a plain description of a siege, given by a contemporary writer, will probably be more satisfactory to the reader, and give him a clearer idea of the means employed in attacking and defending places, than the most

Attack
and de-
fence of
strong
places.

¹⁰⁶ See p. 189.

¹⁰⁷ For the names and figures of some of these machines, see the Preface to Mr. Grose's *Antiquities of England*. Camden's Remains, p. 200.

laborious investigation of the constructions and uses of all these machines. For this purpose I have chosen the relation given by an eye-witness of the siege of the castle of Exeter by king Stephen, A. D. 1136: " The castle of Exeter is
 " built on a lofty mount, surrounded with im-
 " penetrable walls, strengthened with Cæsarean
 " towers. In this castle Baldwin de Redvers
 " placed a garrison, composed of valiant youths,
 " the flower of all England, to defend it against
 " the king, to which he bound them by a solemn
 " oath, and by putting under their protection
 " his wife and children. When the king in-
 " vested the castle, they mounted the walls in
 " shining armour, and treated him and his army
 " with scorn and defiance. Sometimes they
 " sallied out from secret passages, when least
 " expected, and put many of the besiegers to
 " the sword; sometimes they poured down
 " showers of arrows, darts, and other weapons
 " on the assailants. On the other hand, the
 " king and his barons laboured, with the
 " greatest ardour, to distress the garrison. Hav-
 " ing formed a very strong and well-armed body
 " of foot, he assaulted the barbican, and, after
 " a fierce and bloody struggle, carried it. He
 " next beat down, with his engines, the bridge
 " of communication between the castle and the
 " town: after which he erected lofty towers of
 " wood, with wonderful art, to protect his men,
 " and enable them to return the discharges from
 " the walls. In a word he gave the besieged
 " no

“ no rest, either day or night. Sometimes his
“ men mounted on a machine supported by
“ four wheels, approached the walls, and engaged
“ hand to hand. Sometimes he drew up all the
“ slingers of the army, and threw into the castle an
“ intolerable shower of stones. Sometimes he em-
“ ployed the most skilful miners to undermine
“ the foundations of the walls. He made use of
“ machines of many different kinds; some of which
“ were very lofty, for inspecting what they were
“ doing within the castle; and others very low,
“ for battering and beating down the walls. The
“ besieged, making a bold and masterly defence,
“ baffled all his machinations with the most
“ astonishing dexterity and art¹⁰⁸. ” After this
siege had lasted three months, and king Stephen
had expended upon it, in machines, arms, and
other things, no less than fifteen thousand marks,
equal in efficacy to one hundred and fifty thousand
pounds of our money, the besieged were obliged
to surrender for want of water¹⁰⁹.

¹⁰⁸ *Gesta Regis Stephani*, apud Duchesn. p. 934. ¹⁰⁹ *Id. ibid.*

SECTION II.

The history of the fine or pleasing arts of Sculpture, Painting, Poetry, and Music, in Great Britain, from A. D. 1066 to A. D. 1216.

The Pleas-
ing arts
merit at-
tention.

MANKIND, in every stage of society, have some taste and capacity for the imitative and pleasing arts; and, from the indulgence of that taste, and exertion of that capacity, they derive many of their most rational enjoyments. On this account, the state of these arts is an object worthy of attention in every period of the history of our country.

Sculpture.

Sculpture, or the art of forming the figures of men, birds, beasts, &c. in metal, stone, wood, or other materials, flourishes most under the patronage of riches and superstition, among a wealthy people addicted to idolatry. As Britain was one of the richest countries of Europe, in the period we are now delineating, and its inhabitants were much addicted to a superstitious veneration for the images of their saints, we have good reason to believe that sculpture was much cultivated and encouraged. Every church had a statue of its patron saint, while cathedrals and conventual churches were crowded with such statues¹. We may form some judgment of the

¹ Gervasius de Combustione et Reparatione Dorobernensis Ecclesię, cql. 1294, &c.

number of these statues in conventual churches from the following account given by Matthew Paris, of those that were erected in the abbey-church of St. Albans by one abbot: "This abbot William removed the ancient statue of the Virgin Mary, and placed it in another part of the church, erecting a new and more beautiful one in its room. He did the same with respect to the ancient crucifix, which stood aloft in the middle of the church, and another image of the Virgin Mary, that stood over the altar of St. Blasius, removing them into the north side of the church, and substituting others of more excellent workmanship in their places, for the edification and consolation of all the laity who entered". This abbot also set up the great crucifix with its images over the great altar". Some of these statues, if we may believe this historian, were executed in a very masterly manner. "It must be mentioned also, (says he) to the praise of abbot William, that the new statue of the Virgin Mary, which he presented to our church, is admirably beautiful, having been made by Mr. Walter de Colchester, with the most exquisite art and skill".

Besides statues the sculptors of this period executed many figures, and even historical pieces, in basso and alto relievo, as ornaments of

Basso and
alto re-
lievo.

² M. Paris Vit. Abbat. p. 81. col. 1.

³ Id. p. 80. col. 1.

⁴ Id. p. 81. col. 1.

churches,

churches, and objects of superstitious veneration. In the same abbey-church of St. Albans, we are told by the same historian, who was a monk of that abbey, there was a curious piece of this kind in wood, over the high altar: "In the middle" (says he) of this piece, was a representation of "the Divine Majesty; with that of a Christian church and of a Jewish synagogue. On one hand was a series of figures representing the twelve patriarchs, and on the other hand another series representing the twelve apostles". In a word, when architecture was cultivated with so much ardour, sculpture could not be neglected; and when so many noble and magnificent churches were built, artists could not be wanting to adorn and furnish them with images, which were esteemed so essential to the worship that was to be performed in these sacred structures.

Painting.

The art of painting was never wholly lost in any of those countries of Europe which had been provinces of the Roman empire. For though the barbarous conquerors of those countries destroyed many magnificent edifices and beautiful paintings, not a few of both escaped their ravages, and became the objects of their admiration. Some of these conquerors also, when the rage of war was at an end, discovered a taste for the fine arts, and became their patrons.

⁵ M. Paris Vit. Abbat. p. 81. col. 2.

⁶ Muratori, tom. 2. p. 354.

Even the Anglo-Saxons, who were amongst the most destructive of the northern conquerors who overturned the Roman empire, did not continue long to despise the pleasing arts, particularly that of painting, which was practised by them with considerable success⁷. But the Norman conquest contributed not a little to the improvement of the art of painting, as well as of architecture, in Britain; for the Normans being as superstitious, and more magnificent than the Anglo-Saxons, they built more beautiful churches, and adorned them with a greater profusion of paintings. The roof, for example, of the cathedral church of Canterbury, built by archbishop Lanfranc, was painted, if we may believe a contemporary author, in the most elegant manner⁸. Aldred archbishop of York, who put the crown on the head of William the Conqueror, added much to the magnitude and beauty of the church of St. John of Beverley. "He enlarged (says his historian) the old church, by adding a new presbytery, which he dedicated to St. John the Evangelist; and he adorned the whole roof from the presbytery to the great tower, with the most beautiful paintings, intermixed with much gilding of gold, performed with admirable art⁹." In a word, it seems to have been the constant custom of this period, to paint the

S: e vol. 4. chap. 5. p. 160.

⁸ Gervas de Combustione & Reparatione Ecclesie Doroberniens.
col. 1294.

⁹ T. Stubbs Act. Pontific. Ebor. col. 1704.

inner roofs or ceilings of cathedrals and conventual churches; but of what kind these paintings were, and with what degree of delicacy they were executed, we have now no means of judging, as we cannot depend very much on the taste of the monkish writers of those times, who speak of them in the highest strains of admiration. It is however highly probable, that these paintings were of the historical kind, the subjects of which were taken from the Scriptures: for Dudo of St. Quintin tells us, that Richard I. duke of Normandy, who died A. D. 1002, painted the inside of a magnificent church, which he built at Rouen, with historical paintings¹⁰.

Portrait-
painting.

Portrait-paintings appear to have been very common in this period; and it is probable that there were few kings, queens, or princes, who had not their pictures drawn. The learned Montfaucon hath published prints of four pictures at full length, representing William the Conqueror, his queen Matilda, and their two sons Robert and William¹¹. These pictures, which are believed by many to have been drawn from the life, were painted in fresco, on the walls of a chapel belonging to the abbey of St. Stephen at Caen, which was built A. D. 1064. They are thus described: "The Conqueror was drawn
" as a very tall man, clothed in a royal robe,

¹⁰ Dudo de Actis Norman. l. 3. p. 153.

¹¹ Montfaucon Monumens de la Monarchie Française, tom. 1. plate 55. p. 492.

" and

“ and standing on the back of an hound couch-
“ ant: on his head was a diadem, ornamented
“ with trifoils; his left hand pointed to his
“ breast, and in his right he held a sceptre, fur-
“ mounted with a fleur de lys. Queen Matilda
“ was dressed in a kirtle and mantle; and had
“ on her head a diadem, similar to that of her
“ husband; from the under part whereof hung
“ a veil, which was represented as falling care-
“ lessly behind her shoulders; in her right hand
“ was a sceptre, furmounted with a fleur de lys,
“ and in her left a book: her feet were sup-
“ ported by the figure of a lion. Duke Robert
“ was represented as standing on a hound, and
“ clad in a tunique, over which was thrown a
“ short robe or mantle: his head was covered
“ with a bonnet; upon his right hand, clothed
“ with a glove, stood a hawk, and in his left
“ was a lure. The picture of duke William
“ represented him as a youth, bare-headed,
“ dressed in the same habit as his brother, and
“ standing on a fabulous monster: the left hand
“ of this prince was clothed with a glove, and
“ supported a falcon, which he was feeding with
“ his right. These paintings are supposed to have
“ been coeval with the foundation of the abbey
“ of St. Stephen, and to have been drawn from the
“ life.” The learned Montfaucon says, “ That
“ these four pictures have all the air and appear-
“ ances of originals.”

22 Doctor Ducarel's *Anglo-Norman Antiquities*, p. 61.

There

Remark-
able like-
ness of
some por-
traits.

There is an anecdote preserved by William of Malmſbury, which ſeems to indicate that portrait-painting was practiſed in great perfection in this period. A company of banditti in Flanders, who pretended to be adherents of Guibert the anti-pope, had formed a plot to intercept and rob Anſelm archbiſhop of Canterbury, in his way to Rome, A. D. 1097. The archbiſhop having received intelligence of their deſign, eſcaped by means of a diſguiſe. That he might not eſcape in the ſame manner on his return, the banditti ſent an excellent painter to Rome to draw his picture ſo exactly, that they might know him under any diſguiſe. Of this alſo the archbiſhop received intelligence; and was ſo much alarmed that he went a great way out of his road, to avoid the danger¹³. About the ſame time the pope and clergy employed the art of painting in promoting a croiſade for the recovery of the Holy Land, by ſending certain irritating pictures to the courts of princes, and expoſing them to the view of the people. In one of theſe pictures, Chriſt was repreſented tied to a ſtake, and ſcourged by an Arabian, ſuppoſed to be Mahomet; and in another an Arabian was painted on horſeback, with his horſe ſtaling on the holy ſepulchre. Theſe pictures, it is ſaid, excited the indignation both of princes and people, in a very high degree, and contributed not a little to their taking the croſs¹⁴.

¹³ W. Malmſ. de Geſtis Pontific. Angl. p. 127. col. 2.

¹⁴ Abulfeda, l. 1. c. 3. Bohadin. Vit. Salidini, ch. 80. p. 136.

Paintings
of various
kinds.

Painting, in this period, was not confined to the use of the church, or to the portraits of great men, but was employed to various other purposes; particularly to ornamenting the apartments, furniture, shields, &c. of persons of rank and fortune. In the seventeenth of Henry III. a precept was directed to the sheriff of Hampshire, commanding him, "to cause the king's wainscotted chamber in the castle of Winchester to be painted with the same histories and the same pictures with which it had been painted before". This is an authentic proof that wainscoting chambers, and painting the wainscot with historical paintings, was practised in England so long before the seventeenth of Henry III. A.D. 1233, that the paintings were so much faded or tarnished that they needed to be renewed. Peter de Blois, archdeacon of Bath, and chaplain to Henry II. acquaints us, in one of his letters, that the great barons and military men of his time, had their shields and saddles painted with the representations of battles. In that letter he censures the vices, and particularly the ostentatious vanity, of these barons, with no little severity; and, amongst other things, says, "They carry shields into the field so richly gilded, that they present the prospect of booty rather than of danger to the enemy; and they bring them back untouched, and, as I may say, in a virgin state. They

See the Honourable Mr. Walpole's Anecdotes of Painting, p. 3.

“ also cause both their shields and saddles to be
 “ painted with representations of battles and
 “ equestrian combats, that they may please their
 “ imaginations with the contemplation of scenes
 “ in which they do not chuse to engage¹⁶.”

Painting
 glass.

The art of painting glass was known and practised in France, and very probably in England, in this period. Father Montfauçon hath given several plates of the paintings in the windows of the abbey of St. Dennis that were painted in the twelfth century, particularly a representation of the progress of the first crusade, in ten compartments¹⁷. This art, it is believed, was brought into England in the reign of king John¹⁸.

Illumina-
 tions of
 books.

There was a kind of miniature painting much practised in Britain in this period, and of which many curious specimens are still remaining. This was called *illuminating* (from which limning is derived); and was chiefly used, as we now use copper-plates, in illustrating and adorning the Bible and other books. This art was much practised by the clergy, and even by some in the highest stations in the church: “ The famous
 “ Osmund (says Brompton), who was consecrated
 “ bishop of Salisbury A.D. 1076, did not dis-
 “ dain to spend some part of his time in writing,
 “ binding, and illuminating books¹⁹.” Mr.

¹⁶ Opera Petri Blesensis, ep. 94. p. 146, 147.

¹⁷ Montfauçon Monumens, &c. tom. 1. p. 384.

¹⁸ Mr. Walpole's Anecdotes of Painting, p. 5. note.

¹⁹ J. Brompt. Chron. col. 977.

Strutt hath given the public an opportunity of forming some judgment of the degree of delicacy and art with which these illuminations were executed, by publishing prints of a prodigious number of them, in his two works quoted below²⁰. In the first of these works, we are presented with the genuine portraits, in miniature, of all the kings, and several of the queens, of England, from Edward the Confessor to Henry VII. mostly in their crowns and royal robes, together with the portraits of many other eminent persons of both sexes.

The illuminators and painters of this period seem to have been in possession of a considerable number of colouring-materials, and to have known the arts of preparing and mixing them, so as to form a great variety of colours. In the specimens of their miniature-paintings that are still extant, we perceive not only the five primary colours, but also various combinations of them. There is even some appearance that they were not ignorant of the art of painting in oil, from the following precept of Henry III. dated only twenty-three years after the conclusion of this period: "Pay out of our treasury, to Odo the
" goldsmith, and Edward his son, one hundred
" and seventeen shillings and ten pence, for oil,
" varnish, and colours bought, and pictures
" made, in the chamber of our queen at West-

Art of
preparing
colours.

²⁰ The Regal and Ecclesiastical Antiquities of England, London 1773; View of the Customs, &c. of England, 1774.

“minster, between the octaves of the Holy Trinity, in the twenty-third year of our reign, and the feast of St. Barnabas the apostle, in the same year, which is fifteen days.” This was a considerable sum (equal in quantity of silver to seventeen pounds fourteen shillings of our money, and in efficacy to eighty-eight pounds) to be expended in painting one chamber in so short a time.

Poetry.

As the Normans were more learned, and no less fond of poetry than the Anglo-Saxons, that most pleasing and delightful art, especially Latin poetry, was cultivated with no less ardour, and with greater success, in this than in the former period. On this account it may be proper to pay a little more attention to this than to any of the other arts.

Imperfect
state of
the Eng-
lish lan-
guage.

The vernacular language of England, in this period, was in such an imperfect and unsettled state, that it was hardly fit for transacting the common business of society, and very improper for the sublime and melodious strains of poetry. No sciences were taught, few letters were written, few accounts were kept, few treatises in prose, on any subject, were composed in that language²¹. But so strong a propensity to poetry prevailed, that a prodigious number of poems on different subjects, and in various kinds of verse, were written in that crude unformed tongue.

²¹ Mr. Walpole's *Anecdotes of Painting*, vol. i. p. 6.

²² See chap. 7.

Many of our best poets indeed in this period, sensible of the imperfection of their native language, wrote their poems in Latin, and some in the Romance or Provençal tongue: This makes it necessary to give a very brief account, 1. of the English; 2. of the Latin; and 3. of the Provençal poetry of this period.

As many of the poets of this period were clerks and monks, many of their poems were on religious subjects. Of this kind is a translation of the Old and New Testament into English verse, supposed to have been made before the year 1200,—a version of the psalms, made about the same time,—and a large volume of the lives of the saints²³. The only specimen of these poems our limits can admit, is the following version of the hundredth psalm:

English
poetry.

Mirthes to God al erthe that es
Serves to Louerd in faines.
In go yhe ai in his siht,
In gladnes that is so briht.
Whites that louerd god is he thus
He us made and our self noht us,
His folk and shep of his fode:
In gos his yhates that are gode:
In schrift his worches belive,
In ympnes to him yhe schrive.
Heryhes his name for Louerde is hende,
In all his merci do in frende and strande²⁴.

The minstrels of those times had a set of songs of a religious cast, and on religious subjects,

Sundays
songs.

²³ Mr. Warton's History of English Poetry, p. 19. 23. 12.

²⁴ Id. *ibid.* p. 23.

which they sung to their harps, in the courts of kings, and in the halls of barons, on Sundays, instead of those on love and war, and such subjects, which they sung on other days. The following lines are the exordium of one of these Sunday-songs :

The visions of Seynt Poul won he was rapt into Paradys,

Lusteneth lordynges leof and dere,
 Ze that wolen of the Sondag here ;
 The Sondag a day hit is
 That angels and archangels join i wis,
 More in that ilke day
 Then any odur, &c.²⁵

Hymns.

The monks, and other clerical poets of this period, composed many short hymns, in various kinds of verse. The following stanza of one of these hymns may serve as a specimen. The subject of it is our Saviour's crucifixion :

I fyke when y singe for forewe that y se
 When y with wyinge bihold upon the tre,
 Ant se Jhesu the suete
 Is hert blod for-lete,
 For the love of me ;
 Ys woundes waxen wete,
 Thei wepen, still and mete,
 Marie reweth me²⁶.

Love-
songs,

Religion was not the only subject of the English poetry of this period. Love, the favourite theme

²⁵ Mr. Warton's History of English Poetry, p. 19. note.

²⁶ Id. *ibid.* p. 33.

of many poets, produced its share of verses. The following little poem, in which the poet compares his mistress to a great variety of gems and flowers, may serve as a specimen of this kind of poetry, and of that alliteration which was esteemed a great beauty in this period :

Ic hot a burde in a bour, ase beryl so bryght,
 Ase saphyr in selver semely on syght,
 Ase jaspe the gentil that lemeth with lyght,
 Ase gernet in golde and rubye wel ryht,
 Ase onycle he is only holden on hyht :
 Ase a diamand the dere in day when he is dyht :
 He is coral yend with Cayser and knyght,
 Ase emeraude a morewen this may haveth myht.
 The myht of the margaryte haveth this mai mere,
 Ffor charbocele iche hire chafe bi chyn and bi chere,
 Hire rede ys as rose that red ys on ryse,
 With lilye white leves lossun he ys,
 The primros he passeth, the penenke of prys,
 With alisaundre thareto ache and anys :
 Coynte as columbine such hire cande ys,
 Glad under gore in gro and in grye
 Heo is blosme upon bleo brightest under his
 With celydone ant fange as thou thi self fys,
 From Weye he is wisist into Wyrhale,
 Hire nome is in a note of the nyhtigale ;
 In a note is hire nome nampræth hit non
 Who so ryht redeth ronne to Johon ²⁷.

Several satirical poems appear among the remains of the English poetry of this period. Some of these are general satires against monks, bishops, lawyers, physicians, and people of other

Satirical
poems.

²⁷ Mr. Warton's History of English Poetry, p. 32.

professions. That part of a very curious satire against monks, in which the author lashes them for their incontinence, may serve as an example of this kind of poetry. After the satirist had described the delightful situation, magnificent fabric, and great provision of meats and drinks of an abbey, with the indolence, gluttony, and drunkenness of its monks, he proceeds thus:

An other abbai is ther bi
 For soth a great nunnerie ;
 Up a river of swet milk
 Whar is plente grete of silk.
 When the summeris dai is hote,
 The yung nunnes takith a bote,
 And doth ham forth in that river
 Both with oris and with stere :
 Whan hi beth fur from the abbei
 Hi makith him nakid for to plei,
 And leith dune into the brimme
 And doth him sleilich for to swimme :
 The yung monkes that hi seeth
 Hi doth ham up, and forth he fleeth,
 And comith to the nunnes anon,
 And euch monk him takith on,
 And snellich berith forth har prei
 To the mochill grei abbei,
 And techith the nonnes an oreifun
 With jambleus up and dun.
 The munke that wol be staluu gode,
 And can set a riyt his hode,
 He schal hab withoute danger
 xii wives each yer,
 Al throy riyt and noyt throy grace,
 For to do himsilf solace,

And

And thilk monke that clepeth best
 And doth is likam all to rest,
 Of him is hope, God hit wote,
 To be sone vader abbot ²⁸.

It was far from being safe at this time to write satirical verses against particular persons, especially against those in power. Henry I. A. D. 1124, condemned one Luke de Barra to have his eyes pulled out, for having written defamatory ballads against him; and when the earl of Flanders very warmly interceded for the unhappy poet, the king replied, "This man, being a wit, a poet, and a minstrel, hath composed many indecent songs against me, and sung them openly, to the great entertainment and diversion of my enemies. Since it hath pleased God to deliver him into my hands, he shall be punished, to deter others from the like petulance ²⁹." This cruel sentence was accordingly executed on the unfortunate satirist; who died of the wounds he received in struggling with the executioner.

Danger of
 writing
 satirical
 poems.

But though the kings and great men of those times were thus impatient of satire, they were fond enough of panegyrics; which produced poems of that kind in great abundance. The famous William Longchamp, bishop of Ely, chancellor and chief justiciary of England, the

Panegy-
 rics.

²⁸ Hicessii Thesaur. tom. i. p. 132, 133. Warton's History of English Poetry, p. 11.

²⁹ Orderic. Vital. p. 880, 881.

pope's legate, and the great favourite of Richard I. (if we may believe his brother Hugh Nunant bishop of Chester), "kept a number of poets in his pay, to make songs and poems in his praise; and allured the best singers and minstrels by great gifts, to come over from France, and sing these songs in the streets of the several cities of England³⁰." Matilda, queen of Henry I. was so generous, or rather so profuse a patroness of poets, that they crowded to her court from all parts to present her with their panegyrics³¹. So much were the muses both courted and dreaded by the great in this period!

Elegies,
pastorals,
&c.

Among the remains of the English poetry of the twelfth century, are several elegiac, pastoral, and descriptive poems; but for specimens of these, I must refer the reader to the very curious work quoted below, to which I have been so much indebted in this article³².

Latin
poetry.

The unsettled state of the English language, fluctuating between the Norman, spoken by one part of the people, and the Saxon, by another, was, no doubt, one reason why the Latin language was studied with so much ardour in England in this period; and that not only all our divines, philosophers, and historians, but also many of our poets, wrote in that language. Se-

³⁰ Benedict Abbas, ad ann. 1191.

³¹ W. Malmf. l. 5. p. 93. col. 1.

³² Mr. Warton's History of English Poetry, p. 29, &c.

veral learned men; whom we have already mentioned for their other works, were excellent Latin poets, and in that capacity claim a little of our attention.

Henry of Huntington, the historian, was also a voluminous Latin poet, and wrote several books of epigrams and love-verses, and a poem upon herbs. This we are told by himself, in the conclusion of his curious letter on the contempt of the world :

Henry of
Hunting-
ton.

Henricus tibi ferta gerens, epigrammata primum,
Prælia mox Veneris gramina deinde tuli ³³.

His invocation of Apollo, and the goddesses of Tempe, in the exordium of his poem on herbs, may serve as a specimen of his poetry :

Vatum magne parens, herbarum Phœbe repertor,
Vosque, quibus resonant Tempe jocosa, Deæ !
Si mihi ferta prius hedera florente parastis,
Ecce meos flores, ferta parate, fero ³⁴.

The famous John of Salisbury was not only well acquainted with the best Roman poets, as appears from the numerous quotations from them in his works, but was himself no contemptible Latin poet. His poem prefixed to his book, *De nugis curialium*, is equally elegant and witty. It is an address to his book, containing many directions for its conduct; from which the follow-

John of
Salisbury.

³³ Anglia Sacra, tom. 2. p. 702.

³⁴ Leland, de Script. Britan. tom. 2. p. 198.

ing verses, alluding to the title of his work, may be given as a specimen :

Nusquam divertas ne quis te lædat euntem,
Nugarum luæ garrula lingua notas.
Omnia, si nescis, loca sunt plenissima nugis ;
Quarum tota cohors est inimica tibi.
Ecclesia nugæ regnant, et principis aula ;
In clauſtro regnant, pontificisque domo.
In nugis clerus, in nugis militis usus ;
In nugis juvenes, totaque turba senum,
Rusticus in nugis, in nugis sexus uterque ;
Servus et ingenuus, dives, egenus, in his³⁵.

Eadmer,
&c.

Eadmer, William of Malmſbury, Peter of Blois, Girald Barry, and ſeveral others of whom we have already given ſome account, have left proofs of their proficiency in Latin poetry, as well as in other parts of learning; but extracts from their works would ſwell this ſection beyond its due proportion. It will be more proper to take a little notice of a very few of the Latin poets of this period, who addicted themſelves chiefly to poetry, and who have not yet been mentioned.

Hanvill.

John Hanvill, or Hautvill, a monk of St. Albans, flouriſhed towards the end of the twelfth century, and was far from being a contemptible Latin poet. His chief work was a kind of moral heroic poem, in nine books, the hero of which he calls *Architrienius*, who travelled over the world, and every where found reaſon to lament the follies, vices, and miſeries of mankind. He

³⁵ J. Sarisburien. ad opus ſuum.

dedicated

dedicated this work to his great friend and patron Walter de Constans, who was made bishop of Lincoln A.D. 1183. A few lines from the dedication will enable the reader to form some idea of his style and manner :

O cujus studio, quo remige navigat æstu,
Mundanoque mari tumedis exempta procellis,
Lincolniæ sedes ! O quem non præterit æqui
Calculus ! O cujus morum redolentia cœlum
Spondet, et esse nequit virtus altissima major,
Indivisa minor : cujus se nomen et astris
Inferit, et famæ lituo circumsonat orbem ³⁶.

Besides his *Architrenius*, he wrote a volume of Latin epigrams, epistles, and smaller poems, which (as an excellent judge who perused them declares) have considerable merit ³⁷.

Josephus Iscanus (Joseph of Exeter) was the prince of Latin poets in this period we are now examining, and wrote two heroic poems. The Trojan war was the subject of one of these poems, which consisted of six books, and was dedicated to Baldwin, archbishop of Canterbury. The subject of the other, which was called *Antiocheis*, was the croisade, in which his sovereign Richard I. and his patron archbishop Baldwin were engaged. Of the beauty and excellence of the first of these poems we have an opportunity of judging, because it is still extant, and hath been published ³⁸. " The diction is

Joseph of
Exeter.

³⁶ Bulzi Hist. Universitat. Parisien. tom. 2. p. 458.

³⁷ Mr. Warton's History of English Poetry, dissertation 2.

³⁸ At Basil, 8vo, 1541. At Amsterdam, 4to, 1702.

" generally

“generally pure, the periods round, and the numbers harmonious; and, on the whole, the structure of the versification approaches nearly to that of polished Latin poetry³⁹.” It is hardly possible to dip into any part of this poem, which consists of no fewer than three thousand six hundred forty-six lines, without finding passages that will justify this favourable opinion of its merit; and therefore I shall go no further for an example than to the exordium, in which the subject is proposed with great plainness and simplicity:

*Iliadum lachrymas, concessaque Pergama fatis,
Prælia bina ducum, bis adauctam cladibus urbem,
In cineres, querimur: stemusque quod Herculis ira,
Hesiones raptus, Helenæ fuga fregeret arcem;
Impulerit Phrygios Danaas exciverit turbes⁴⁰.*

The Antiocheis is unhappily lost, except a small fragment, in which the ancient heroes of Britain are celebrated in a strain not unworthy of the Mantuan bard. Of the famous prince Arthur our poet sings thus:

*Hinc, celebri fato, felici floruit ortu,
Flos regum Arthurus * * * * **
** * * * **
** * * * * Quemcunque priorum*
*Inspice: Pellæum commendat fama tyrannum,
Pagina Cæsareos loquitor Romana triumphos:*

³⁹ Mr. Warton's Hist. Eng. Poet. dissertat. 2.

⁴⁰ Josephi Ifcani de Bello Trojana, Libri Sex, cum notis Dreselmii, Amstelæd. 1702.

Alciden domitis attolit gloria monstis;
 Sed nec pinetum coryli, nec fydera solem
 Æquant. Annales Graios Latiosque revolve,
 Prisca parem nescit, æqualem postera nullum
 Exhibitura dies. Reges supereminet omnes:
 Solus præteritis melior, majorque futuris ⁴¹.

Alexander Necham was another elegant Latin poet, who flourished in England at the same time with Joseph of Exeter. He was born and educated at St. Alban's, as appears from the following verses, which may serve also as a specimen of his poetry:

Alexander Nec-
ham.

* * * * * Claustrum
 Martyris Albani sit tibi tuta quies.
 Hic locus ætatis nostræ primordia novit,
 Annos felices, lætitiæque dies.
 Hic locus ingenuis puerilis imbuat annos
 Artibus, et nostræ laudis origo fuit.
 Hic locus insignes magnosque creavit alumnos,
 Felix eximio martyre, gente situ.
 Militat hic Christo, noctuque dieque labori
 Indulgit sancto religiosa cohors ⁴².

Walter Mapes, the jovial and witty arch-deacon of Oxford, and chaplain to Henry II. was a good Latin poet, and voluminous writer. His poems were chiefly of a satirical or festive strain, and in the rhyming kind of verses, commonly called *Leonine*, which were much used by the minor poets of those times. Three stanzas from his satire on Pope Innocent, for prohibiting

Walter
Mapes.

⁴¹ Camden's Remains, p. 314. Warton. Hist. Poet. dissertat. 2.

⁴² Id. ibid.

the marriage of the clergy, will give us some idea of his satirical vein; and his famous ode on drinking, will be a sufficient specimen of his festive lays:

O quam dolor anxius, quam tormentum grave;
 Nobis est dimittere quoniam est suave!
 O Romane pontifex, statuisti prave;
 Ne in tanto crimine moriaris cave.
 Non est Innocentius, immo nocens vere;
 Qui quod factò docuit, studet abolere:
 Et quod olim juvenis voluit habere,
 Modo vetus pontifex studet prohibere.
 Ecce jam pro clericis multum allegavi,
 Necnon pro presbyteris plura comprobavi.
Pater noster nunc pro me, quoniam peccavi;
 Dicat quisque presbyter, cum sua suavi⁴³.

Ode on Drinking.

Mihi est propositum in taberna mori,
 Vinum sit oppositum morientis ori:
 Ut dicant, cum verferint, angelorum chori,
 Deus sit propitiùs huic potatori.
 Poculis accenditur animi lucerna:
 Cor imbutum nectare volat ad superna;
 Mihi sapit dulcius vinum in taberna,
 Quam quod aqua miscuit præfulis pincerna.
 Suum cuique proprium dat natura munus,
 Ego nunquam potui scribere jejunos;
 Me jejunum vincere possit puer unus;
 Sitim et jejunium odi tanquam funus.
 Unicuique proprium dat natura bonum,
 Ego versus faciens, vinum bibo bonum,
 Et quod habent melius dolia cauponum,
 Tale vinum generat copiam sermonum.

⁴³ Camden's Remains, p. 334, 335.

Tales versus facio, quale vinum bibo,
 Nihil possum scribere, nisi sumpto cibo;
 Nihil valet penitus, quod jejunus scribo,
 Nasonem post calices carmine præibo.
 Mihi nunquam spiritus prophetiæ datur
 Nisi tunc cum fuerit venter bene satur;
 Cum in arce cerebri Bacchus dominatur,
 In me Phœbus irruit, ac miranda fatur⁴⁴.

Among the English monks of this period, there were many smart satirical epigrammatists; a considerable number of their epigrams, which are far from being contemptible, are still preserved. Our limits will only allow us to admit one of Godfrey's, who was prior of Winchester A. D. 1100, on an abbot, who protected his monks from others, but oppressed them himself?

Epigram-
matists.

Tollit ovem de fauce lupi persæpe molossus
 Ereptamque lupo-ventre recondit ovem.
 Tu quoque Sceva tuos prædone tueris ab omni,
 Unus prædo tamen perdis ubique tuos⁴⁵.

Latin elegies and epitaphs were written upon almost all the kings, princes, prelates, and other eminent persons who died in England in this period; and not a few of these performances approach to classical purity of diction⁴⁶. In a word, every kind of Latin poetry was cultivated by the clergy and monks of the twelfth century, with a degree of success that will hardly be credited by those who are not acquainted with their writings.

Elegies,
&c.

⁴⁴ Camden's Remains, p. 332, 333.

⁴⁵ Id. p. 325.

⁴⁶ Orderic. Vital. passim. Camden's Remains, p. 321. &c. 360, &c.

Romance
language
and
poetry.

The language which the Normans brought with them into England, was that which was called *lingua Romana*, or the Romance language, which was the vulgar tongue of all the provinces of France in the eleventh and twelfth centuries⁴⁷. In this language the Normans had already composed many poems and songs, one of which was sung by the champion Taillifer, at the head of the Norman army, before the battle of Hastings, as we learn from the following lines of master Wace, an Anglo-Norman poet of this period⁴⁸:

Taillifer, qui moult bien chantoit,
Sur un cheval qui tost alloit,
Devant eus alloit chantant,
De l'Allemaigne et de Rollant,
Et d'Oliver, et de Vassaux,
Que moururent a Rainfchevaux⁴⁹.

It was in this *lingua Romana*, or Romance tongue (the daughter of the Latin, and mother of the French), that many metrical romances were composed by the French and Normans of the eleventh and twelfth centuries: and it was from the language in which they were written, rather than from the extravagant fables which they commonly contained, that these poems were called Romances⁵⁰. In the exordium of a metrical life of Tobiah, written by a monk at the desire of the abbot of Kenelworth, the language

⁴⁷ See chap. 7.

⁴⁸ W. Malmf. l. 5. p. 579 col. 1.

⁴⁹ Histoire Littéraire de la France, tom. 7. Avertissement, p. 73.

⁵⁰ Id. ibid. Du Cange Gloss. voc. *Romances*, l. 5. p. 1489.

in which it is composed is called the *Roman* or *Romance* :

Le prior Gwilleyme me prie,
De l'eglyse seynte Marie,
De Kenelworth an Ardenne,
Ki porte le plus haute peyne
De charite, ke nul eglyse
Del reaume a devyse
Ke jeo liz en romaunz le vie
De celui ki ont nun Tobie, &c st.

Some of the French and Norman poets of this period, pretended, at least, that their poems were true histories, though they gave them the title of Romances, on account of the language in which they were written. Of this kind was the long historical poem of Maister Robert Wace, chaplain to Henry II. which is sometimes called *Roman de Reis d'Angleterre*, and sometimes *Roman le Rou, et les vies des Ducs de Normandie*⁵². Robert de Brunne, in the prologue to his translation of one of these metrical historical poems, written by an Anglo-Norman, says the language of his original was called Romance:

Frankis spech is cald Romance,
So fais clerkes and men of France.
Pers of Langtoft, a chanon
Schaven in the hous of Bridlyngton
On Frankis style this storie he wrote
Of Inglis kings, &c st.

Many of these poems, which were originally written in romance, because it was the language

* Warton Hist. Poet. p. 85.

⁵² Id. p. 62, 63.

⁵³ Id. p. 66.

of their authors, and of the court and nobility to whom they were addressed, were soon after translated into the English of those times, for the entertainment of the native English, who were called *lewed*, i. e. ignorant men. This is the motive assigned by Robert de Brunne for his translating one of these poems :

For lewed men I undyrtoke,
In Englyshe tonge to make this boke :
For many beyn of such manere
That talys and rymys wyle bleihty here ¹³.

Provençal
poetry.

The Provençal poets were very famous in the twelfth and thirteenth centuries, not only in their own, but in several neighbouring countries. They were called *Troubadours*, or *Fiddlers*, from the fertility of their invention ; and were in reality the fathers of modern poetry. No poets were ever more loved, admired, and cherished, than these Provençal bards. They were invited to the courts of the greatest princes, where they became the delight of the brave, and the favourites of the fair, by celebrating the achievements of the one, and the charms of the other, in their poems. In a word, the admiration which they acquired was so flattering, that several sovereign princes became Troubadours, and wrote poems in the Provençal language, which was then the most perfect of all the modern languages of Europe ¹⁴. Richard I. of England was one of

¹³ Wartoni Hist. Poet. p. 59.

¹⁴ Histoire Littéraire des Troubadours, à Paris, 1774.

these

these royal songsters; some of whose poems, in the Provençal tongue, are still extant; and one of them hath been published in the very curious work quoted below⁵⁵. The first stanza of that poem, which was composed in prison in Germany, with a translation, is all the specimen of this kind of poetry that our limits will admit:

Ja nus hom pris non dira fa raiçon,
Adroitament se com hom dolent non:
Ma per conort pot il faire chanson.
Pro a d' amis, mas poure son li don.
Onta i auron se por ma reezon,
Sois fait dos yver pris⁵⁶.

No prisoner his condition can explain,
But he will fall into a plaintive strain.
Yet to divert his sorrows he may sing.
Though he have friends, how poor the gifts they bring!
Shame be on them! my ransom they deny,
And I in prison two long winters lie.

In times when poetry was so much cultivated, Music
we may be certain, that music could not be neglected, especially when we consider, that the union between these two arts was much greater in those times than it is at present. For in the middle ages, almost all the poets of France and England, like the ancient bards of Gaul and Britain, were musicians, and sung their verses to the music of their harps⁵⁷. These poetical musi-

⁵⁵ A Catalogue of the Royal and Noble Authors of England, vol. 1. p. 6.

⁵⁶ Histoire de Traubodours, tom. 1. p. 59.

⁵⁷ See Dr. Percy's curious Preface to his Reliques of Ancient English Poetry.

cians, commonly called *minstrels*, were the delight of princes, prelates, and barons, who entertained them in their courts and castles, and lavished upon them much of their wealth". Matilda, queen of Henry I. was so fond of music, and so profusely generous to musicians and poets, that she expended almost all her revenues upon them, and even oppressed her tenants, in order to procure money to reward them for their songs". John of Salisbury censures the great people of his time, for imitating Nero in his extravagant fondness for musicians; and says that "they prostituted their favour, by bestowing it on minstrels and buffoons; and that, by a certain foolish and shameful munificence, they expended immense sums of money on their frivolous exhibitions". "The courts of princes (says another contemporary writer) are filled with crowds of minstrels, who extort from them gold, silver, horses, and vestments, by their flattering songs. I have known some princes who have bestowed on these ministers of the devil, at the very first word, the most curious garments, beautifully embroidered with flowers and pictures, which had cost them twenty or thirty marks of silver, and which they had not worn above seven days". An art that was so highly

⁵⁸ M. Paris, p. 114. col. 1.

⁵⁹ W. Malmf. p. 93. col. 1.

⁶⁰ J. Sarisburien. Policrat. l. i. c. 8, p. 32.

⁶¹ Rigordus ad an. 1185.

honoured,

honoured, and so liberally rewarded, could not fail to flourish.

Both the vocal and instrumental music of this period was of three kinds, viz. sacred, civil, and martial. Of the last, enough hath been already said⁶². Of the state of the other two it may be proper to give a very brief account.

Sacred or church music was cultivated with great ardour by the British clergy of all ranks in this period, both because it attracted the people to the church, and because it rendered the performance of the public service more agreeable to themselves. The Anglo-Norman clergy, in particular, applied with much diligence and success to this delightful art: of which it may not be improper to give one example, out of many that might be given. Thomas, the first Norman archbishop of York, who was advanced to that see by William the Conqueror, A. D. 1070, was one of the most pious, and learned prelates of the age in which he flourished⁶³. Having a fine voice, and a great taste for music, he made that art his particular study, and attained to great perfection in it, both in theory and practice⁶⁴. He composed many pieces of music for the use of his cathedral, in a grave, solemn, manly style, avoiding all light effeminate airs, as unsuitable to the nature of religious worship. When he heard any of the secular minstrels sing a tune

Church
music

⁶² See p. 208.

⁶³ T. Stubbs de Pontific. Ebor. col. 1705.

⁶⁴ W. Malmf. de Gestis Pontific. Angl. p. 155. col. 2.

which pleased him, he adopted and formed it for the use of the church, by some necessary variations⁶⁵. "There was nothing (says one of his historians) which archbishop Thomas studied so much as to have a good and virtuous clergy in his cathedral. With them he sometimes read, sometimes disputed, sometimes sung, or played upon the organ: he even spent some of his leisure-hours in making organs, and in teaching his clergy to make them, and to set hymns both in prose and verse to music⁶⁶." When so great and learned a prelate employed so much of his time in the study and practice of church-music, and was so highly commended for it, we have reason to think that it was an object of great and general attention among the clergy.

The gamut invented.

The invention of the new musical scale, or modern gamut, by an Italian monk named *Guido Aretine*, a native of Arezzo, about A. D. 1022, contributed not a little to increase the ardour of the clergy in their application to music, by facilitating the acquisition of musical knowledge. This invention made a mighty noise in the church at that time. The author of it was sent for thrice to Rome, to explain and teach it to the clergy of that city⁶⁷. Aretine, in a letter to the pope, affirms, that any person, by the help

⁶⁵ W. Malmf. de Gestis Pontific. Angl. p. 155. col. 2.

⁶⁶ Stubbs de Pontific. Ebor. c. 1709

⁶⁷ See Bayle's Dictionary, article *Guido Aretine*.

of his invention, may make as great proficiency in music in one year, as before he he could have made in ten. He insinuates to his Holiness, that he had been inspired by Heaven with this happy thought, which had atoned for all his sins, and secured the salvation of his soul⁶⁸. There is no room to doubt that this invention was well known to archbishop Thomas, who had spent some time at Rome soon after his elevation to the see of York, and that it was by this scale that he and the other English composers of this period regulated their musical compositions.

The church-music of Britain did not continue long in the grave and solemn style. Before the end of the twelfth century it had lost the primitive simplicity of plain song, and become soft, effeminate, and artificial, in a very high degree. Of this change in the church-music of his time, John of Salisbury thus complains: " This soft
 " effeminate kind of music hath even debased
 " the dignity, and stained the purity of religious
 " worship. For in the very presence of God,
 " and in the centre of his sanctuary, the fingers
 " endeavour to melt the hearts of the admiring
 " multitude with their effeminate notes and
 " quavers, and with a certain wanton luxuriancy
 " of voice. When you hear the soft and sweet
 " modulations of the choiristers; some leading,
 " others following; some singing high, others
 " low; some falling in, others replying; you

Cor
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⁶⁸ Baron. Annual. ad ann. 1022.

" imagine

“ imagine you hear a concert of sirens, and not
 “ of men; and admire the wonderful flexibility
 “ of their voices, which cannot be equalled by
 “ the nightingale, the parrot, or any other
 “ creature, if there be any other more musical.
 “ Such is their facility in rising and falling, in
 “ quavering, shaking, and trilling, in blending
 “ and tempering all the different kinds of
 “ sounds, that the ear loses its capacity of dis-
 “ tinguishing, and the mind, overpowered with
 “ so much sweetness, cannot judge of the merit
 “ of what it hears. When they have thus far
 “ departed from the bounds of moderation, they
 “ are more apt to excite unhallowed passions
 “ than devout affections in the hearts of men.”

Though this music was certainly very much mis-
 placed when it was introduced into the church;
 yet, if it really answered the description which is
 here given of it, we cannot entertain a very con-
 temptible opinion, either of the skill of the com-
 posers, or of the ability of the performers.

Civil
 music.

By civil music is to be understood that which
 was in common use in civil society, for alleviat-
 ing the cares and labours of the poor, and exhi-
 larating the festivities of the rich. The min-
 strels, a very numerous and much-respected
 order of men, were the professors and practi-
 tioners of this pleasing art, from their excellence
 in which they derived all their honours and ad-
 vantages. Not being under the same restraints

* J. Sarisburiensis. Policrat. l. 1. c. 6. p. 28, 29.

with

with the composers for the church, they indulged their imaginations, and invented tunes of many different kinds, from the most slow and solemn, to the most quick and joyous.

In general, as we are told by Giraldus Cambrensis, the genius of the English music was slow and grave, while that of the Scotch, Irish, and Welsh music, was quick and gay⁷⁰. The same writer expresses great surprise at the masterly execution of these three last nations on the harp: "It is wonderful, that in such quick and rapid motions of the fingers any musical proportion is preserved, and that without violating any of the rules of art, the music is rendered harmonious, in the midst of warbling and intricate modulations, by sounds, rapid yet sweet, unequal yet proportioned, discordant yet consonant, and the harmony is completed, whether they play upon fourths or fifths. They always begin upon B flat, and return upon the same, which makes the whole uniformly sweet and sonorous. They begin and end their modulations with so much delicacy, and intermix the sounds of the bass-strings, with the wanton and sportive tinklings of the treble, in such a manner, that by the excellency of their art, they even conceal their art. Hence it is that those who are intimately acquainted with the theory of music are penetrated and transported with delight, while those who are

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⁷⁰ G. Cambrenf. Topograph, Hibern. l. 3. c. 2, p. 739.

" ignorant

“ ignorant of the rules of art are apt to be teased
 “ and wearied with what appears to them a
 “ confused and noisy jumble of discordant
 “ sounds ”.”

Counter-
point.

From the account which is given by the same writer, of the manner in which the people of Wales, and of the north of England, sung their songs, it seems to be very evident that they were not unacquainted with the laws, or at least with the practice, of harmony, or counter-point: “ In
 “ Wales (says he) they do not sing in one uniform musical modulation, as in other places,
 “ but in several different tones or modulations,
 “ in so much that in a company of singers you
 “ hear almost as many different parts as there
 “ are voices, all forming one pleasing delightful
 “ harmony in B flat. The English also, in the
 “ country about York, and beyond the Humber, use a similar symphonious harmony in
 “ singing, consisting only of two parts, the one,
 “ the deep murmuring bass, the other, the high
 “ and sweet-sounding treble ”.”

Musical
instruments.

The chief, if not the only instrument that was used in sacred music, was the organ. We have already heard of a great and learned prelate, and his clergy, who spent some part of their time in making these instruments, which indicates that they were esteemed necessary at least in cathedral churches. The figures of two organs, of this

* J. Swithurien Folcat l. i. c. 6. p. 28, 29.

† G. Cambrai Descript. Camb. c. 13. p. 850.

period,

period, differing considerably in their structure from one another, and from those now in use, may be seen in the work quoted below⁷³. In civil music, if we may believe Giraldus Cambrensis, the Scots, Irish, and Welsh, used but few instruments: "The Irish (says that author) use only two musical instruments, the harp and the timbrel; the Scots use three, the harp, the timbrel, and the bag-pipe; the Welsh also use three, the harp, the pib-corn, and the bag-pipe. The Irish harps have brass strings. It is the opinion of many, that the Scotch music at present not only equals, but even very much excels the Irish; for which reason they go to Scotland as to the fountain-head of perfection in that art⁷⁴." The English seem to have been acquainted with a greater variety of musical instruments, some of which, it is probable, were introduced by the Normans. The violin is mentioned in books written in this period, and represented in illuminations⁷⁵. Some of their violins had five strings. Mr. Strutt hath collected from illuminations, the figures of no fewer than sixteen different kinds of musical instruments, if some of the figures do not represent different sizes of the same instru-

⁷³ Mr. Strutt's View of the Manners, &c. vol. 1. plate 33. fig. 12. vol. 2. plate 6. fig. 27.

⁷⁴ Girald. Cambren. Topograph. Hibern. l. 3. c. 11. p. 739.

⁷⁵ Du Cange Gloss. Voc. *Vitula*. Vita S. Thomæ Cant. p. 24. Mr. Strutt's View of the Manners, vol. 1. plate 33. fig. 7. vol. 2. plate 1. fig. 9.

ment.

ment²¹. The harp, however, seems to have been the favourite and most admired instrument of the English, as well as of the other British nations, in this period. That was the instrument, to the sound of which the minstre's, the admired musicians of this period, sung their songs and poems²².

²¹ Mr. Strutt's *View of the Manners*, vol. 2. plate 6.

²² See Dr. Henry's excellent *Essay* on the ancient English Minstrel.

THE
HISTORY
OF
GREAT BRITAIN.

BOOK III.

CHAP. VI.

The History of Commerce, Coin, and Shipping; in Great Britain, from the landing of William duke of Normanay, A. D. 1066, to the death of king John, A. D. 1216.

NO apology is necessary for introducing the history of Commerce into the history of Britain, which hath derived so many advantages from that source. But it is much to be regretted, that genuine authentic materials, for executing this part of my plan in this period, to the entire satisfaction of the reader, are very difficult, if not impossible to be collected. All our

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our ancient historians being monks, they paid little attention to the affairs of trade, and dropped only a few incidental hints on this important subject. Let us attend to the information which these hints convey.

Commerce
not in-
con-
siderable
at the
conquest.

It hath been already observed,—that the foreign trade of Britain was almost annihilated by the departure of the Romans,—that it continued in a very languid state in the times of the heptarchy,—that it gradually revived after the establishment of the English monarchy,—and that towards the end of the last period it was not inconsiderable¹. This last circumstance is confirmed by the testimony of a contemporary historian, William of Poitou, who was chaplain to the duke of Normandy, and attended him in his expedition into England. “The English
“merchants add to the opulence of their coun-
“try, rich in its own fertility, still greater
“riches, and more valuable treasures, by im-
“portation. These imported treasures, which
“were considerable both for their quantity and
“quality, were either to have been hoarded up
“to gratify their avarice, or to have been dissi-
“pated to satisfy their luxurious inclinations.
“But William seized them, and bestowed part
“of them on his victorious army, and part
“of them on churches and monasteries. To the
“pope and church of Rome he sent an in-
“credible mass of money in gold and silver,

¹ See vol. 4. chap. 6.

“ and

"and many ornaments that would have been
"admired even at Constantinople".

It hath been disputed, whether the Norman conquest was an event favourable or unfavourable to the foreign commerce of Britain. The truth seems to be, that in some respects it was, and in others it was not favourable. Every violent revolution must give a temporary check to commerce, by fixing the attention of all the members of society on other objects, and by rendering property precarious. The feudal form of government that was established in England soon after the conquest, had more of a martial than of a mercantile spirit in it; and was better calculated for defending a kingdom by arms, than for enriching it by commerce. The Conqueror himself having obtained his crown, and the great Norman barons their princely fortunes, by the sword, arms became the most honourable and lucrative profession; trade was held in little estimation, and those who were engaged in it, were exposed to many injuries. Many of the chief towns in England, the greatest seats of trade, suffered much between the conquest, and the time when Doomsday-book was composed. In all these respects the conquest was unfriendly to commerce, and obstructed its progress for some time.

But, on the other hand, the conquest contributed to increase the trade of England, in several

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able.

¹ W. Pissaven. Gest. Gul. Ducis Norman, p. 206.

² See Brady on Burghs.

its citizens, who were much addicted to trade, and acquired so much wealth and influence by it, that they were called *barons*, and respected in the public assemblies of the kingdom, as possessing a kind of nobility". "London (says William of Malmfbury) is but about twenty-five miles distant from Rochester. It is a noble city, renowned for the riches of its citizens, and crowded with merchants, who come from all countries, and particularly from Germany, with their merchandise". "In this city (says William Fitz-Stephen, in his description of London), merchants from all nations under heaven reside, for the sake of trade". The great multitude of Jews who resided in London, and possessed several entire streets, afford a further proof of the flourishing state of trade in that city, in this period. For trade was almost the only occupation of that people; and they never settled in great numbers in any place, but where they either found or brought commerce.

Bristol.

As Bristol had been a place of considerable trade in the Anglo-Saxon times⁹, it continued to be so in the present period. This we learn from William of Malmfbury, in his description of the vale of Gloucester. "In the same vale, is a very famous town named Bristow, in which

⁹ W. Malmf. Hist. Novel. l. 2. p. 106. col. 1.

¹⁰ W. Malmf. de Pontific. Angl. l. 2. p. 133. p. 2.

¹¹ W. Stephaned. in Vita T. Cant. Lond. edit. 1723. p. 6.

¹² Stow's Survey, b. 3. p. 54.

¹³ See vol. 4. p. 238.

"there

“ there is a sea-port, a safe receptacle for ships
 “ from Ireland, Norway, and other foreign coun-
 “ tries; that this happy region, which abounds
 “ so much in its native riches, might not be de-
 “ stitute of the commodities procured by com-
 “ merce¹⁴.” The trade between England and
 Ireland, which was for the most part carried on
 by the merchants of Bristol, was so great, and
 so essential to the support of the Irish, that when
 it was interrupted, they were reduced to great
 distress. “ Murcard, monarch of Ireland, be-
 “ haved a little haughtily towards Henry I.
 “ I know not for what reason; but he was soon
 “ humbled by a prohibition of all trade between
 “ England and his dominions. For how wretched
 “ would Ireland be if no goods were imported
 “ into it from England¹⁵?”

The Flemings, who were settled in the fine Ro-
 country of Ross in Pembrokeshire by Henry I.
 were bold adventurous sailors, and much ad-
 dicted to commerce. “ They are (says Giraldus
 “ Cambrensis) a people much used to the woollen
 “ manufacture, and to foreign trade; and in
 “ order to increase their store, they spare no
 “ pains either by sea or land¹⁶.” The vicinity
 of the spacious harbour of Milford-haven was
 probably a great advantage to this industrious
 colony.

¹⁴ W. Malmf. de Pontific. Angl. l. 4. p. 162.

¹⁵ Id. l. 5. p. 91.

¹⁶ Girald. Cambren. Itin. Camb. p. 848.

Exeter.

The city of Exeter appears to have been a place of considerable trade at the conquest, and continued to enjoy that advantage through the whole of this period. - When it was besieged by the Conqueror, A. D. 1068, the inhabitants compelled a great number of foreign merchants and mariners, who were then in their harbour, to assist them in their defence¹⁷. William of Malmfbury acquaints us, that, in his time, though the soil about Exeter was so barren that it hardly produced a meagre crop of oats, yet its extensive trade made it abound in every thing that contributed to the comfort of human life¹⁸.

Cinque-ports.

The five towns on the coasts of Kent and Suffex, commonly called the *cinque-ports*, were certainly among the most considerable seats of foreign commerce in England, in this period. Their merchants, like those of London, enjoyed the honourable appellation of barons, which their representatives in parliament still enjoy¹⁹. Government depended very much upon them for a fleet on any emergency; and they were obliged to furnish no fewer than fifty-seven ships for the public service, at forty days notice, to continue fifteen days in that service, with their crews, at their own charges²⁰. This is a sufficient proof that they abounded in shipping and sailors, which they could not have done without

¹⁷ Orderic. Vital. p. 510.¹⁸ W. Malmf. Pontific. Angl. l. 2. p. 145. col. 2.¹⁹ Spelman. Gloss. p. 71.²⁰ Liber Rub. Scaccari.

a flourish.

a flourishing trade. The five towns which originally formed the cinque-ports, were Hastings in Suffex, Dover, Hythe, Romney, and Sandwich in Kent; to which were added Winchelsea and Rye as principals, and some other towns as members, though they still retained the name of the cinque-ports from their original number²¹. We may form some idea of the comparative trade of these towns, by observing the number of ships which each was obliged to furnish. Hastings (with its members) was obliged to furnish twenty-one ships;—Romney (with its members) five;—Hythe and Sandwich (with their members) each five;—and Dover (with its members) twenty-one²². For this important service to the state, the people of the cinque-ports had various honours and privileges conferred upon them. Their merchants were not only styled barons, but four of these barons had a title to support the canopy over the king on the day of his coronation, and to dine at a table on his right hand. The inhabitants of these towns were exempted from the several feudal servitudes and prestations, and could be sued only in their own court²³. These honours and privileges afford a proof, that the government of England, in this period, was not inattentive to the encouragement of trade and shipping.

²¹ Camden Britan. vol. 1. p. 254.

²² Hakluyt's Voyages, vol. 1. p. 19.

²³ Camb. Britan. vol. 1. p. 254.

Norwich,
Yar-
mouth,
Lynn.

When bishop Herebert, in the reign of William Rufus, removed the seat of his see from Thetford to Norwich, that town, as we are told by William of Malmesbury, was famous for the number of its inhabitants and the greatness of its commerce²⁴. In the same county, the town of Yarmouth abounded in ships, and was a formidable rival in power and commerce to the cinque-ports, though both its commerce and its shipping increased very much in the succeeding period²⁵. The town of Lynn seems to have possessed a still greater share of foreign trade than Yarmouth, if we may rely on the testimony of William of Newborough, who resided at no great distance. That author tells us, that in the reign of Richard I. the town of Lynn was famous for its riches and commerce, and was inhabited by many wealthy Jews; who, being enraged against one of their nation who had embraced Christianity, attempted to kill him, and assaulted a church in which he had taken shelter. This raised a tumult. A great multitude of foreign sailors who were in the harbour, attacked the Jews, and beat them from the church with some slaughter. Not contented with this, they plundered and then burnt several of their houses, and having carried the plunder, which was of great value, on board their ships, they imme-

²⁴ W. Malm Pontific. Angl. p. 136.

²⁵ Camb. Britan. vol. 1. p. 379.

diately

diate, set sail, in order to secure their booty, and escape punishment ²⁶.

Several places in Lincolnshire had a considerable share of trade, in this period, which some of them have since lost, by the choking of their harbours, and other accidents. Lincoln, the capital of the county, was a rich and populous city; and, though at a distance from the sea, was not destitute of foreign trade, which was carried on by the navigable canal between the rivers Trent and Witham, made A. D. 1121, by order of Henry I. ²⁷ The towns of Grimsby, Saltfleet, Waynfleet, and Boston, though they had much declined from what they had been in this period, sent some ships to the fleet of Edward III. A. D. 1359 ²⁸. Boston, in particular, was a very rich and flourishing place before it was plundered and burnt in the reign of Edward I. ²⁹ The great numbers and riches of the Jews who resided at Lincoln, Stamford, and other towns in this county, plainly indicate that there was then a flourishing trade in those towns ³⁰.

York, the northern capital of England, and residence of Roman emperors, made a distinguished figure in the Anglo-Saxon times, but was much reduced soon after the conquest ³¹. It

²⁶ Gul. Neubrigen. l. 4. c. 7. p. 367.

²⁷ Simeon Dunelm. col. 243.

²⁸ Hakluyt's Voyages, vol. 1. p. 120.

²⁹ Camden Britan. vol. 1. p. 423.

³⁰ Gul. Neubrigen. l. 4. c. 8, 9.

³¹ Simeon Dunelm. col. 39. J. Brompt. col. 965. Drake's History of York.

revived

revived however in a little time; and William of Malmſbury tells us, that in the reign of king Stephen, when he wrote, it was become a place of great trade; and that ships from Ireland and Germany sailed up the river Ouse into the very heart of the city³². Great numbers of Jews settled in York about this time, and acquired immense wealth by usury and commerce, which, together with their magnificent houses and splendid way of living, excited the envy and indignation of the people to such a degree that they determined to destroy them. As soon as the news of the slaughter of that people at the coronation of Richard I. reached York, the mob arose, assaulted the Jews, plundered and burnt their houses, killed many, and drove others in despair to kill themselves, after they had dispatched their wives and children with their own hands³³. This outrageous tumult, in which some hundreds of Jews were killed, and their houses, furniture, and riches, reduced to ashes, seems to have been fatal to the trade of York, which declined so fast, that it was able to send only one small ship, with nine mariners, to the fleet of Edward III.³⁴

Many
other sea-
ports.

Many other towns situated on the sea-coasts and navigable rivers of Britain, had their share of foreign trade in this period. But a more particular enumeration of them is unnecessary, and

³² W. Malmſ. Pontific. Angl. l. 3. Prolog. p. 147.

³³ G. Neubrigen. l. 4. c. 9, 10.

³⁴ Hakluyt's Voyages, vol. 1. p. 120.

would

would be tedious. One of our ancient historians, referring to the times we are now delineating, hath the following exclamation: "O England! thou wast lately equal to the ancient Chaldeans in power, prosperity, and glory. The ships of Tarshish could not be compared with thy ships, which brought thee spices, and every precious thing, from the four corners of the world. The sea was to thee an impregnable wall, and thy ports on all sides as the well-fortified gates of a strong castle³⁵."

It is curious, and may be useful, to know what were the most valuable articles of the foreign trade of Britain in every period. By this we shall at least discover wherein the superfluities and necessities of our country consisted from time to time, and in what manner the former were disposed of, and the latter were supplied.

Slaves still continued to be a capital article, both in the internal and foreign trade of Britain. When an estate was conveyed from one proprietor to another, all the villains or slaves annexed to that estate, were conveyed at the same time, and by the same deed³⁶. When any person had more children than he could maintain, or more domestic slaves than he chose to keep, he sold them to a merchant, who disposed of them either at home or abroad, as he found

³⁵ Matth. Westm. p. 240, 241.

³⁶ Liber Niger Saccarj, art. de *Danegeld*. Regiam Majestat. l. 2. p. 12. § 3. Rymer. Fœd. tom. 1. p. 90.

would

would be most profitable. "It was a common vice (says Giraldus Cambrensis) of the English, when they were reduced to poverty, that rather than endure it patiently, they exposed their own children to sale". Many of these unhappy persons were carried into Ireland, and no doubt into other countries, and there sold³⁷. A strong law was made against this barbarous kind of commerce, in a great council held at St. Peter's, Westminster, A. D. 1102. "Let no man, for the future, presume to carry on the wicked trade of selling men in markets, like brute beasts, which hitherto hath been the common custom of England". But this law did not put an end to this trade in slaves. For in the great council held at Armagh, A. D. 1171, the whole clergy of Ireland, after having deliberated long concerning the cause of the calamities with which they were threatened by the invasion of the English, at length agreed, that this great judgment had been inflicted upon them by the displeasure of God, for the sins of the people, particularly for their having bought so great a number of English slaves from merchants, robbers, and pirates, and for detaining them still in bondage. To appease therefore the divine displeasure, which had been excited against them on that account, they decreed,—"That all the English slaves in the whole island of Ire-

³⁷ Girald. Cambrenf. *Hiberniæ Expugnat.* l. 1. c. 18. p. 770.

³⁸ Id. *ibid.*

³⁹ Eadmer, *Hist. Novor.* l. 3. p. 68.

"land

"land should be immediately emancipated, and
"restored to their former liberty"⁴⁰."

English horses had been long admired and coveted on the continent; and such multitudes of them had been exported, that a law was made by king Athelstan,—“That no man shall export
“any horses beyond seas, except such as he design to give in presents”⁴¹.” But this law, it is probable, did not continue long in force, especially after the conquest, when the intercourse between this island and the continent was under no restrictions, and our great barons had estates in both countries. The very high price of horses, especially of those which were used by the nobility in war and tournaments, is a presumption that they were exported. A great baron, named *Amphitil Till*, agreed to pay to king John, A. D. 1207, as a part of his ransom, ten horses, each worth thirty marks, equivalent to three hundred pounds of our money at present⁴². Whether any other animals were exported in this period or not, we are not informed.

Wool was for several centuries the most valuable article of the British exports. Gervase de Aldermanbury, in his accounts of the chamberlainship of London, A. D. 1199, charges himself with twenty-three pounds twelve shillings, which he had received from several merchants, for leave

⁴⁰ Wilkin. Concil. tom. 1. p. 471.

⁴¹ Wilkin. Saxon. Legis, p. 52.

⁴² Rymeri Fœd. tom. 1. p. 146. col. 2.

many palaces and castles in France, and other countries on the continent, are said to have been covered with lead brought from England⁵⁰. We may form some idea of the great quantities of tin that were exported, from an article in the accounts of Henry de Casteilun, chamberlain of London, A. D. 1198, in which he charges himself with three hundred and seventy-nine pounds eighteen shillings, which he had received in fines from the merchants of London, for leave to export tin⁵¹. The royal revenues arising from the tin-mines of Cornwall and Devonshire, were valued at two thousand marks a-year, equivalent to ten thousand pounds of our money; and were granted, at that rate, to queen Berengaria, widow of Richard I.⁵²

Other articles of exportation.

Besides these capital articles of Exportation, there were many others of smaller value, as salt salmon, cheese, honey, wax, tallow, &c. &c. as appears from the licences granted for exporting them, which are still extant in our records⁵³. But it is not necessary to make this enumeration more perfect.

Imports.

In return for the goods which they exported, the British merchants of this period imported not only gold and silver, in coin and bullion, but several other commodities, for which they found

⁵⁰ Histoire Literaire de la France, tom. 9. p. 222.

⁵¹ Madox Hist. Excheq. p. 531.

⁵² Rymer Fœd. tom. 1. p. 243.

⁵³ Madox Hist. Excheq. p. 530, &c.

a demand at home. It is proper to mention some of the most valuable of these commodities.

As the English were not very famous for their sobriety in this period, we may be certain that wine was a saleable commodity, and made one of the most valuable articles of importation. "The French (says William Fitz-Stephen) import their wines into London, which they expose to sale both in their ships and in their wine-cellars near the river⁵⁴." The duties payable on wines imported, called *prisæ vinorum* (the price of wines), constituted no inconsiderable branch of the royal revenue; and particular officers were appointed for collecting these duties⁵⁵. The importation of wines increased very much after the marriage of Henry II. with Eleanor, heiress of some of the finest provinces in the south of France, where the best wines were produced⁵⁶. The wine-trade was become a matter of so much importance in the beginning of king John's reign, that a law was made for regulating the prices of all the different kinds of wine, and twelve men appointed in each city, town, and borough, to superintend the execution of that law, "By this means (says a contemporary historian) the land was filled with drink and drunkards⁵⁷."

⁵⁴ W. Stephaned. Descript. Civitat. London. p. 5, 6.

⁵⁵ Madox Hist. Excheq. p. 525, 526.

⁵⁶ Anderson's Hist. Com. vpl. 1. p. 83.

⁵⁷ Hoveden. Annal. p. 453.

Spiceries,
drugs, &c.

Spiceries, drugs, and aromatics of various kinds, the productions of the East, were imported in considerable quantities in this period; because they were much used by persons of rank and fortune in their meats and drinks, as well as by physicians in the composition of their medicines⁵⁸. "The Sabeans (says Fitz-Stephen) import into London their frankincense and other spices; and from the rich country about Babylon, they bring the oil of palms⁵⁹." The spice-trade formed so capital a branch of the commerce of this period, that merchants in general are often called *speciarii* in the barbarous Latin of those times⁶⁰.

Gold and
precious
stones.

Gold and precious stones were imported from Egypt, Arabia, and other eastern countries⁶¹. For though no gold was used at this time in coinage, much of it was used in manufactures of various kinds, by goldsmiths, jewellers, gilders, embroiderers, illuminators, and painters. The monks, in particular, were bitterly reproached by several writers, for expending so much gold in gilding and illuminating books⁶². Many precepts of our ancient kings are still extant, directing certain persons to buy gold from the merchants for their use⁶³. The sheriffs of Lon-

⁵⁸ Du Cange Gloss. voc. *Species Aromata*.

⁵⁹ W. Stephaned. p. 6.

⁶⁰ Murator. Antiq. tom. 2. Dissertat. 30. tom. 2. p. 281.

⁶¹ W. Stephaned. p. 6.

⁶² Martin. Anu. tom. 5. p. 1584. 1623.

⁶³ Anglia Judaica, p. 152.

don, in the second year of Henry II. paid fifty-six shillings for gold to gild the king's bridles⁶⁴.

Silks, and other fine fabrics of the East, were also imported; but not in very great quantities, because they were used only by the church, the royal family, and perhaps by a few of the most wealthy barons⁶⁵. Many cathedral and abbey churches were adorned with altar-cloths, vails, and curtains of silk, and had also vestments of it, in which their clergy officiated on some occasions⁶⁶. It appears from the records of this period, that silks were purchased from time to time for the use of the royal family⁶⁷. At the conquest, and for some time after, silks were very dear and scarce; but manufactories of them having been established in Sicily, Spain, Majorca, and Ivica, in the course of the twelfth century, they became much cheaper and more common⁶⁸.

Tapestry, together with linen and woollen cloths of the finer kinds, were among the British imports of this period. For though great quantities of woollen cloths were manufactured in England, and some of them were exported; yet they seem to have been generally of the coarsest kinds, and most common colours; while those of a finer texture, and more delicate co-

Tapest
linen,

⁶⁴ Madox Hist. Excheq. p. 230.

⁶⁵ W. Stephaned. p. 6. Anderson's Hist. Com. vol. 1. p. 79.

⁶⁶ Anglia Sacra passim. ⁶⁷ Madox Hist. Excheq. c. 10. § 12.

⁶⁸ Hoveden. Annal. p. 382. col. 2.

lours, for the use of persons of high rank, were imported from Flanders; which was then so famous for the woollen manufacture, that it was called *Flándria Textrix*⁶⁹. Tapestries for hangings were manufactured in the city of Arras, even in this period, and from thence imported into England⁷⁰. Though linen, as well as woollen cloths, were manufactured in Britain; yet it seems probable that the finest linens were imported, as the first notice we meet with of fine linen made in England is in the thirty-seventh of Henry III.⁷¹

Furs.

Furs of various kinds, and in great quantities, were imported from Norway, Russia, and other northern countries⁷². For furs were very much used, both by the clergy and laity; and all persons who could afford to purchase them had their winter-garments lined with them⁷³. Some of these furs, particularly fables, bore a very high price, and could only be obtained by princes, or prelates of the greatest wealth. Robert Bloit, bishop of Lincoln, made a present to Henry I. of a cloak of the finest cloth lined with fables, which cost no less than one hundred pounds, equivalent to fifteen hundred pounds of our money⁷⁴.

Dye stuffs,
woad.

Dye-stuffs, particularly woad, may be reckoned among the imports of Britain in this pe-

⁶⁹ Galf. Vinefauf. p. 433. Gervas Chron. col. 1348.

⁷⁰ Madox Hist. Excheq. p. 254.

⁷¹ Id. p. 259. note g.

⁷² Anglia Sacra, tom. 2. p. 499.

⁷³ W. Stephaned.

⁷⁴ Id. ibid. p. 417.

ried, which is an additional proof that the wool-
len manufacture was not neglected. Henry de
Casteilun, who was chamberlain of the port of
London, charged himself, in his accounts for
A. D. 1197, with the sum of ninety-six pounds
six shillings and eight-pence, which he had re-
ceived from certain merchants, for licences to
import woad, and sell it in England⁷⁶. The
quantity of woad imported by these merchants
must have been very great, when they could af-
ford to pay a sum equivalent to more than four-
teen hundred pounds of our money at present,
for their licences.

Besides gold and silver, other metals, particu-
larly iron and steel, were imported into Britain
from Germany, and other countries, in this pe-
riod⁷⁶. The German merchants of the Steel-
yard in London, are thought by some to have
derived that name from the great quantities of
iron and steel which they imported, and sold at a
place called the *Steel-yard*⁷⁷.

Though corn was exported from Britain in
years of plenty, we have good reason to believe
that it was imported in still greater quantities in
times of scarcity, which were but too frequent
in our present period. The merchants of Lon-
don seem to have been the chief importers of
corn; for we are told by a contemporary writer,
that they kept many granaries full of it in that

⁷⁶ Madox Hist. Excheq. p. 351, 532. ⁷⁶ W. Stephaned. p. 6.

⁷⁷ Anderson's Hist. Com. vol. 1. p. 122.

city; and that from these granaries all parts of the kingdom were supplied⁷⁸. Several other articles of importation, as arms, books, pictures, &c. might be mentioned; but it seems to be unnecessary, and would be tedious, to make this enumeration more particular.

Mer-
chants.

The internal trade of England was managed chiefly by Anglo-Saxons and Anglo-Normans, who were natives of the country, and members of the merchant guilds established in the several towns and cities of the kingdom: but they do not seem to have had a great share in its foreign commerce, which was for the most part in the hands of foreigners. Fitz-Stephen, who flourished in the reign of Henry II. acquaints us, in his description of London, that "in this city" "all nations under heaven had factors residing" "for the management of their commerce"⁷⁹."

Jews.

Great numbers of Jews came from Normandy, and other countries of the continent, soon after the conquest, and settling in all the trading towns of England, got possession of a very great proportion of the commerce of the kingdom⁸⁰. Having larger capitals, greater knowledge of trade, and a more extensive correspondence with those of their own nation in other parts of Europe, than the native English merchants, they were able to undersell them in every market⁸¹. By these means they acquired great riches; but

⁷⁸ W. Malm. de Pontific. Angl. l. 2. p. 133. col. 2.

⁷⁹ W. Stephaned. p. 6.

⁸⁰ Anglia Judaica, p. 4.

⁸¹ Id. p. 80.

at the same time drew upon themselves the indignation of the public, and the most oppressive exactions of the government. For they and their families were considered as the slaves, and all their possessions as the property, of the sovereign, which he might seize at pleasure; which he might even sell or mortgage like any other estate²². We may form some idea of the great trade and riches of the Jews of this period, as well as of the oppressions of the government, by observing, that a particular exchequer, called *the Exchequer of the Jews*, was established for receiving the prodigious sums extorted from them in customs, fines, forfeitures, tallages, and various other ways²³. To give one example, out of many, of the cruelty of the government towards the Jews, and of the great sums extorted from them, we are told, “That the king, A. D. 1210, “commanded all the Jews in England, of both “sexes, to be imprisoned, in order to compel “them to pay him great sums of money. Some “of them, after they had been grievously tortured, surrendered all the money they had, “and even promised more, to preserve themselves from further tortures. Amongst others, “the king demanded ten thousand marks (equivalent to one hundred thousand pounds at present) from a certain Jew of Bristol, and “commanded one of his teeth to be pulled out

²² *Anglia Judaica*, p. 132. Wilkin. Concil t. 1. p. 313.

²³ Madox Hist. Excheq. chap. 7. p. 150. &c.

" every day till he paid that sum. The Jew
 " held out seven days, but submitted on the
 " eighth, and parted with his money to preserve
 " the remainder of his teeth ".

Christians
 not per-
 mitted to
 take in-
 terest for
 money.

All Christians, in this period, were prohibited, both by the laws of the church and state, from lending money at interest, which was called *usury*; and those who were convicted of it were punished by excommunication, and the forfeiture of all their goods". By these imprudent laws, the business of lending money was thrown into the hands of the Jews, from whence they derived the most exorbitant profits, and in which they practised the most cruel exactions. For as the rate of interest was not regulated by any law, they set no bounds to their avarice, and took every advantage of the necessities of those who applied to them for a loan of money. On some occasions, if we are not misinformed, they took no less than fifty *per cent. per annum*. This, though almost incredible, is highly probable, from an order of Henry III. restraining them from taking more than two pence in the week for every twenty shillings they lent to the scholars of Oxford, which is a little more than forty-three *per cent.*" From the following letter of the famous Peter of Blois, archdeacon of Bath, to his friend the bishop of Ely, we may

⁸⁴ M. Paris, ann. 1210. p. 160.

⁸⁵ Wilkin. Concil. tom. 1. p. 313. M. Paris, p. 250. Novæd. Annal. p. 335.

⁸⁶ Anglia Judaica, p. 122.

form some idea of the extreme severity of the Jews to their unhappy debtors: "I am dragged
 " to Canterbury to be crucified by the perfidious Jews, amongst their other debtors,
 " whom they ruin and torment with usury.
 " The same sufferings await me also at London,
 " if you do not mercifully interpose for my deliverance. I beseech you therefore, O most reverend father, and most loving friend, to become bound to Sampson the Jew, for six
 " pounds, which I owe him, and thereby deliver me from that cross." After this we need not be surprised, either at the prodigious opulence of the Jews, or at the universal execration in which they were held.

The German merchants of the Steel-yard, G who had been settled in London before the conquest, continued in the same place, and enjoyed the same privileges, after that event". For Fitz-Stephen, who flourished about the middle of the twelfth century, says, in his description of London, that the merchants of all nations had their distant keys and wharfs in that city; and, particularly, that the Germans had the Steel-yard". But as the society of the merchants of the Steel-yard made a more conspicuous figure in the next period, we shall insert a more particular account of it in our next book.

* Epistolæ P. Blefens. Ep. 156. p. 242.

** See vol. 4. p. 232. * W. Stephaned. Descript. Lond. p. 5.

Italians.

The trade of Venice, Pisa, Genoa, Amalphi, and some other cities of Italy, was, in this period, in a very flourishing state⁹⁰. The truth is, that almost all the commerce between Asia, Africa, and Europe was in the hands of the merchants of these cities, who exported the superfluities of Europe, and brought home the spices, gold, silks, and other precious commodities of the East, which they sent into every country where they could find a market, and particularly into Britain. For the management of this trade, companies of Italian merchants were settled in London, and perhaps in some other towns.

Caurfini.

Amongst these companies the Caurfini were the most famous about the end of this and the beginning of the next period. It is imagined, that they were called Caurfini, because many of them belonged to a numerous and opulent family of that name in Italy⁹¹. However this may be, the Caurfini in England, by departing from the proper business of merchants, and becoming agents for the pope in his usurious transactions, rendered themselves as odious as the Jews⁹². But a more full account of this society, as well as that of the Lombards, shall be given in the sixth chapter of our next book.

Barons
merchants.

Some of the great barons of England, among the officers of their household, had one who was

⁹⁰ Murator. Antiq. tom. 2. p. 883, &c.

⁹¹ Du Cange Gloss. voc. *Caurfini*.

⁹² M. Paris, p. 286. M. Westminster. ann. 1233. p. 134.

called

called *the Merchant*, who transacted all the mercantile business of the baron to whom he belonged; disposing of his corn, cattle, and every thing he had to sell; and purchasing cloths, wines, spices, and every thing else he wanted to buy. It appears from records, that these baronial merchants even engaged in foreign trade, and imported wines and other goods, for which they were liable to pay customs⁹³.

Commerce had been an object of the attention of government, and a subject of legislation, in the Anglo-Saxon times, and continued to be so in the present period⁹⁴. It was one of the first cares of the Conqueror to encourage trade. With this view he published a proclamation, inviting foreign merchants to frequent the ports of England, and promising them the most perfect security for their goods and persons⁹⁵. This prince adopted several Anglo-Saxon regulations, with respect to trade, into his own laws, and enforced them by his authority. By one of these laws, it is decreed,—“That no live cattle shall be bought or sold, but in cities, and before three creditable witnesses;” by another,—“That all fairs and markets shall be kept in fortified cities, towns, or castles⁹⁶.” These laws were inconvenient; but they were necessary in those turbulent times. The conqueror also

⁹³ Madox Hist. Excheq. p. 529. note (e).

⁹⁴ See book 2. chap. 6.

⁹⁵ W. Pitsaven. p. 208.

⁹⁶ Seldeni Spicilegium in Eadmer. p. 192.

prohi-

prohibited the felling of Christian slaves to infidels: but this prohibition, it is probable, was not much regarded⁹⁷. We know of no laws respecting trade made by William II.; but his successor Henry I. was more attentive to that important object. By the ancient law and custom of England, when a ship was wrecked on the coast, if those who escaped from it did not return to it within a limited time, the ship and cargo became the property of the lord of the manor. This most unjust and cruel law was abrogated by Henry I. who decreed, that if one man escaped alive out of the wreck, the lord of the manor should have no claim either to the ship or cargo⁹⁸.

But this just and merciful regulation was very disagreeable to many of the rapacious barons, and was quite disregarded after the death of the prince by whom it was made, till it was revived by his grandson Henry II. "That prince (as we are told by one of our ancient historians), in the very beginning of his reign, abolished the cruel customs toward shipwrecked sailors, which had too long prevailed; and commanded that those who escaped from the dangers of the sea, should be treated with kindness; and that such as did them any injury, or seized any of their goods, should be severely punished⁹⁹." A law which doth

⁹⁷ Seldeni Spicilegium in Eadmer. p. 191.

⁹⁸ Seldeni Opera, tom. 4. p. 1009.

⁹⁹ W. Neubrigen. l. 2. c. 26. p. 342.

much honour both to the wisdom and humanity of its author. However this may be, it is certain, that Henry II. A. D. 1174, promulgated the three following regulations on this subject: 1. That if but one man escaped from a ship alive, that ship and cargo should not be considered as wreck, but should be kept for the use of the owners. 2. Though no man escaped alive, yet if any animal escaped, or was found in a ship alive, the ship and cargo should be committed to the custody of four persons of credit, to be kept three months, to be delivered to the owners if they appeared within that time, or to the king at the end of it, if the owners did not appear. 3. But if neither man nor beast escaped alive, the ship and cargo should belong to the king, or to the person having right to wreck at that place¹⁰⁰. This prince cultivated the friendship of the emperor Frederick Barbarossa, to whom he sent a splendid embassy, with magnificent presents, A. D. 1157, with a view to promote a free trade between their subjects¹⁰¹. To prevent the diminution of the ships and sailors of his kingdom, which he knew to be so necessary both for its defence and trade, Henry II. A. D. 1181, commanded his justices itinerant, "to give a strict charge in every county, that no man, as he valued his life and fortune, should buy or sell any ship to be carried out of England, or

¹⁰⁰ Rym. Fœd. tom. 1. p. 36.

¹⁰¹ Radevic. Frisingenf. l. 1. c. 7. p. 263.

" should

" should send, or cause to be sent, any mariner
 " out of England ¹⁰²."

By Ri-
 chard I.

The importance of trade to the prosperity of the kingdom becoming more conspicuous, Richard I. paid great attention to it, and made many mercantile regulations. The laws and regulations, published by this prince at Chinon in France, A. D. 1189, for the government of his great fleet in his expedition into the Holy Land, are very curious, but too long to be here inserted; and being rather of a martial than a mercantile nature, do not so properly belong to our present subject. By the last of these laws, it is decreed, " That whoever is convicted of theft, shall
 " have his head shaved, melted pitch poured
 " upon it, and the feathers from a pillow shaken
 " over it, that he may be known; and shall be
 " put on shore on the first land at which the ship
 " touches ¹⁰³." The famous maritime laws called *the Laws of Oleron*, as it is asserted by many modern authors, were promulgated by this prince on that island, at his return from the Holy Land; but on what foundation this assertion is built, I have not been able to discover ¹⁰⁴. These laws, which are forty-seven in number, are evidently very ancient, and no less prudent, humane, and just; though several of them, from a change of manners and circumstances,

¹⁰² Benedict. Abbas, tom. 1. p. 368.

¹⁰³ Rym. Fœd. tom. 1. p. 65. Brompt. Chron. col. 1173.

¹⁰⁴ Godolphin's View of the Admiral Jurisdiction, p. 14. Ander-
 son's Hist. Com. vol. 1. p. 96.

are now obsolete¹⁰⁵. We have better evidence that Richard I. made various mercantile regulations, soon after his return into England from his unfortunate expedition into the East. By the first of these regulations he commanded the sea-ports to be carefully guarded that no corn or provisions of any kind might be exported either in English or foreign bottoms. But this was only a temporary prohibition, to prevent a famine, with which England was then threatened. Having set forth the great inconveniencies arising from the diversity of weights and measures in different parts of the kingdom, he, by a law, commanded all measures of corn, and other dry goods, as also of liquors, to be exactly the same in all his dominions; and that the rim of each of these measures should be a circle of iron. By another law, he commanded all cloth to be woven two yards in breadth within the lists, and of equal goodness in all parts; and that all cloth which did not answer this description, should be seized and burnt. He enacted further, That all the coin of the kingdom should be exactly of the same weight and fineness,—that no Christian should take any interest for money lent;—and to prevent the extortions of the Jews, he commanded that all compacts between Christians and Jews should be made in the presence of witnesses, and the conditions of them put in writing; of which three copies should be made,

¹⁰⁵ Godolphin Append. p. 163.

one to be lodged in a public repository, and one to be given to each party ¹⁰⁶. Many of these regulations were wise and useful, but some of them were tinged with the prejudices of the times.

Regulations of
king John.

If there was any thing commendable in the character of king John, it was his attention to maritime and mercantile affairs. Of this he gave a proof, soon after his accession to the throne, by publishing the famous edict of Hastings, A.D. 1200, in which he asserted his dominion over the British seas in the strongest terms, and commanded his captains to seize all ships which did not strike their topsails to them, to confiscate their cargoes, and imprison their crews, even though they were the subjects of a power in friendship with England ¹⁰⁷. In a word, the attention of this prince to maritime affairs was such, that he was served with zeal and fidelity by his sailors, when he was abandoned by almost all his other subjects ¹⁰⁸. It is a sufficient evidence of this, that, at a time when his affairs were in the most desperate state on shore, his fleet destroyed the whole naval power of France, and sent home no fewer than three hundred sail of French ships which had been taken ¹⁰⁹. King John contributed also to the improvement of commerce, by establishing guilds

¹⁰⁶ Hoveden. Annal. p. 440. col. 2. Brompt. Chron. col. 1258.

¹⁰⁷ Seldeni Mare clausum, l. 2. c. 26. p. 265.

¹⁰⁸ M. Paris, p. 184. Campbell's Lives of the Admirals, vol. 1. c. 4. p. 146.

¹⁰⁹ M. Trivet. Annal. ad ann. 1214.

or societies of merchants, with various privileges and immunities, in all parts of the kingdom, where there was any considerable trade¹¹⁰. By the forty-first article of Magna Charta, foreign merchants are secured against all violence, and every illegal exaction, in times of peace; and it is declared, that when a war breaks out, they shall be treated in England in the same manner in which the English merchants are treated in the enemy's country¹¹¹.

As ships are the chief instruments of foreign Shi trade, the state of the shipping of this island is an object worthy of some attention in every period of its history.

We conjectured, rather than affirmed, that the shipping of England amounted to two or three thousand vessels, from twenty to one hundred tons, at the conclusion of the former period¹¹². Whatever may be in this conjecture, there is sufficient evidence, that, in the course of the period we are now delineating, the ships belonging to Britain became more numerous, of a larger size, and better construction, than they had been before the conquest.

The very fleet which brought over the duke of Normandy and his army into England, made a Mo
mer
that
forr
peri great addition to the English shipping. Some of our ancient historians affirm, that this fleet consisted of no fewer than three thousand ships¹¹³.

¹¹⁰ Brady on Burghs, passim.

¹¹¹ Magna Charta, ch. 41.

¹¹² See vol. 4—p. 224.

¹¹³ Ypodigma Neustriæ, p. 436.

Though this may be an exaggeration, we may be certain that the transportation of sixty thousand men, with their horses, arms, and other necessaries, required a very numerous fleet of such small ships as were then in use. Some of these ships were carried back to the continent; but the greatest part of them, together with their crews, remained in England, and made a great addition to its naval power. The frequent voyages of our Anglo-Norman kings, between this island and their dominions on the continent, attended by large armies, chiefly composed of cavalry, rendered numerous fleets absolutely necessary. These, it is true, bore a greater resemblance to fleets of transports, than to the royal navies of the present times. For they consisted chiefly of merchant-ships, collected together when it was necessary, and dismissed as soon as the service was performed¹¹⁴. But the very possibility of collecting together a fleet of several hundred ships, in a few weeks, affords a demonstration that England abounded in shipping in this period.

Descrip-
tion of
their ships.

The Anglo-Saxon ships were very small, and far from being perfect in their construction¹¹⁵. But the English ships of this period appear to have been both larger and better built. Those of the largest size, and strongest construction, were called *dromones*¹¹⁶. The famous Saracen

¹¹⁴ M. Paris, ad an. 1213, p. 162.

¹¹⁵ Mr. Strutt's View, &c. vol. 1. plate 9. fig. 1.

¹¹⁶ Gauf. Vineauf. l. 2. c. 26. p. 316.

ship

ship which was taken by Richard I. near the port of Acon, was of this kind; and must have been of an enormous magnitude, as it contained no fewer than fifteen hundred men¹¹⁷. Those dromones had three masts, and are said to have sailed very slowly, being too lofty to make use of oars. Ships of the second rate, called *buffæ*, or *buccæ*, were also large vessels, and had three masts¹¹⁸. Galleys were of various kinds, and different degrees of magnitude; but they all made use of oars as well as sails¹¹⁹. The ships most commonly used in trade, both at sea and on large rivers, were called *barcæ*, or *barks*; and those of them which were of the smallest size were called *barbottæ*¹²⁰. All these vessels had decks, for securing the goods with which they were loaded, from the injuries of the sea. Besides these, they had boats of different kinds and dimensions, for plying on rivers, for fishing, and for other purposes¹²¹.

That the English ships of this period had the reputation of being excellent in their several kinds, is at least highly probable, from the law of Henry II. which prohibited the selling of them to foreigners¹²². We are told by a contemporary author, who was present at Messina, in Sicily, with Richard I. in his way to the Holy Land,—that the people of that city were

E
th
vi¹¹⁷ M. Paris, p. 115. col. 1.¹¹⁸ Du Cange Gloss. voc. *Buffæ*.¹¹⁹ Id. ibid. voc. *Galea*.¹²⁰ Id. ibid. in voc. *Basææ*, *Barbotææ*.¹²¹ See Mr. Strutt's View, &c. vol. 1. plate 32.¹²² Benedikt. Abbas, p. 368.

filled with admiration at the number, beauty, and magnitude, of the ships of which that monarch's fleet was composed; and declared, that so fine a fleet had never been seen, and probably never would be seen in the harbour of Messina ¹²³. This was indeed a very gallant fleet. It consisted of thirteen ships of the largest kind, called *dro-mones*, one hundred and fifty of the second rate, called *buffa*, fifty-three galleys, besides a great number of tenders ¹²⁴. Such a fleet would make no contemptible appearance even in modern times.

English
sailors ex-
celled
those of
other
countries.

As the British ships were better built, so they were also better navigated, in this than in the preceding period. The English sailors were much admired, both at home and abroad, for their dexterity and courage; which produced the law of Henry II. prohibiting them from entering into foreign service ¹²⁵. Geoffrey of Vinefauf, who accompanied Richard I. in his expedition into the Holy Land, ascribes the preservation of that prince from shipwreck in a storm, to the uncommon skill and courage of his sailors, "who did every thing that it was possible for human art to do, to resist the fury of the winds" ¹²⁶. This character, which the English sailors so early acquired, they have long retained, and I hope will never forfeit.

¹²³ Gaufr. Vinefauf. l. 2. c. 26. p. 316.

¹²⁴ J. Brompt. col. 1197. R. de Diceto, col. 657.

¹²⁵ Benedict. Abbas, p. 368.

¹²⁶ G. Vinefauf. l. 2. c. 27. p. 317.

It is a little uncertain, whether or not the English sailors, towards the end of this period, had the advantage of the mariners compass to guide them in their voyages. For neither the person who invented that most useful instrument, nor the time when it was invented, are very well known. It is however certain, that it had been discovered about the end of the twelfth, or the beginning of the thirteenth century, that a needle touched with a loadstone, pointed towards the north; and that endeavours were then used to apply this discovery to navigation, though the most convenient way of doing it was not then invented. For Hugh de Bercy, a French poet, who flourished in the former part of the thirteenth century, mentions this property of a needle touched with a loadstone very plainly and describes an instrument called *la mariniere*, used by the sailors of his time, in which the needle was placed upon a board that floated in a vessel of water¹²⁷.

If ships and sailors are necessary to foreign trade, especially in an island, money is no less necessary both to foreign and internal commerce. It hath long been the common measure of all commodities, and the chief instrument of their circulation, and must therefore never be neglected in the history of trade.

¹²⁷ Pasquier Recherches de la France, l. 4. c. 25. p. 405.

Living
money.

Living money, which made so great a figure in the former, is seldom or never mentioned by the writers of the present period ¹²⁸. For when coin became common, the conveniency of it, as a representative of all commodities, appeared so great, that all others were soon laid aside.

Changes
made by
the con-
quest.

The full account that hath been given of the several denominations of money, and of the real coins that were used in Britain in the preceding period, makes it unnecessary to say much on these subjects in the present; because the changes made in them by the conquest were but few and inconsiderable. These changes were the following ¹²⁹. Some denominations of money, as mancuses, oras, and thrimfas, that were common in the Anglo-Saxon times, fell into disuse, and are seldom mentioned by the writers after the conquest. If the mancus of gold was a real coin among the Anglo-Saxons, which is not very certain, it ceased to be coined after the conquest; for there is not the least vestige of such a coin among the Anglo-Normans: nor do we hear any thing of the copper-coin called a *stica* after the conquest.

Pound.

The Tower pound, which had been the money pound of the Anglo-Saxons, continued to be the money pound of England for several centuries after the conquest ¹³⁰. This pound was three fourths of an ounce lighter than the Troy pound,

¹²⁸ See vol. 4. p. 243.

¹³⁰ Folkes on Coins, p. 2.

¹²⁹ Id. p. 245—279.

to which it was in the proportion of fifteen to sixteen. It was divided into twelve ounces, each ounce weighing 450 Troy grains, which made 5400 such grains in the pound¹³¹. Whenever therefore a pound of money is mentioned by the writers of this period, it signifies as many silver coins as weighed 5400 Troy grains; or, in other words, a Tower pound weight of silver coins. The pound was both the largest and most common denomination of money.

The mark is another denomination of money, which is frequently mentioned in the histories and records of this period. It weighed exactly two thirds of a Tower pound; and was the same with the Anglo-Danish mark, which hath been fully described already¹³².

The shilling was not a real coin, but only a denomination of money, in this period, whatever it might have been in the former. The Anglo-Norman shilling was also very different in its weight and value from the Anglo-Saxon. The largest of the latter weighed only $112\frac{1}{2}$ Troy grains, whereas the former represented as many silver coins as weighed 270 of the same grains, or the twentieth part of a Tower pound.

The penny was by far the most common real coin in the present period. Every Tower pound of silver was coined into two hundred and forty of these pennies, each weighing $22\frac{1}{2}$ Troy grains. Twelve of these pennies, weighing 270 grains,

¹³¹ See vol. 4. p. 251.

¹³² Id. p. 258.

were paid for one shilling¹³³. In a word, the Anglo-Norman penny was the same in weight with the Anglo-Saxon. Many of the former, as well as some of the latter, are still preserved, and have been published¹³⁴.

Half-pennies and farthings.

Though the silver penny of this period was but a small coin; yet it was of considerable value, and would have purchased as much provisions, or other goods, as four or five of our shillings will do at present. To have had no smaller coins than pennies, would have been very inconvenient to the poor in the purchase of provisions and other necessaries. We may be certain, therefore, that silver half-pennies and farthings were coined in this, as well as in the former period; though few or none of these small coins of some of our Norman kings have been preserved. It seems probable, however, that the smaller coins were sometimes very scarce, and that the people had been accustomed to cut or break silver pennies into halves and quarters, which passed for half-pennies and farthings. For Henry I. A. D. 1108, prohibited this practice; and commanded, that all half-pennies and farthings, as well as pennies, should be entire and round¹³⁵. It appears also, that this law did not put an end to the practice of cutting pennies into halves and quarters, but that it continued through the whole of this period; because we meet with a law against it in the reign of Edward I. A. D. 1279¹³⁶.

¹³³ Folkes on Coins, p. 5.

¹³⁴ Sionon Ducau. col. 231.

¹³⁵ Id. vol. 2.

¹³⁶ M. Westm. p. 367.

In the course of this period, the silver penny St is sometimes called an *esterling* or *sterling*; and good money in general is sometimes called *esterling* or *sterling* money ^m ¹³⁷. It is unnecessary to mention the various conjectures of antiquaries about the origin and meaning of this appellation. The most probable opinion seems to be this, that some artists from Germany, who were called *Esterlings*, from the situation of their country, had been employed in fabricating our money, which consisted chiefly of silver pennies; and that from them the penny was called an *esterling* and our money *esterling* or *sterling* money ¹³⁸.

As the silver coins of England, in this and St the former period, were of the same kinds, and of the same weights, they were also of the same standard or degree of fineness. Both our Anglo-Saxon and Anglo-Norman princes paid great attention to the purity of their coin, and punished those who attempted to debase it, with great severity ¹³⁹. Henry II. A. D. 1180, called in all the coin, because some of it had been debased; and issued new money, which was to be the only current coin of the kingdom ¹⁴⁰.

Coining money was not confined to one place ^{Me} in England, as it is at present, but was practised ^{mi} in every town of any considerable trade. The ^{En}

¹³⁷ Spelman. Gloss. voc. *Esterlingus*.

¹³⁸ Id. ibid.

¹³⁹ See vol. 4. p. 277. Hen Knyghton, col 2; 77. Gervas Chron. col. 1457.

¹⁴⁰ Benedict. Abbas, ad ann. 1180.

workmen;

workmen, however, who were employed in coining, did not enjoy the same liberty with other artists, of following their own fancies, and making such coins as they pleased; but they received all their dyes from the exchequer, and they wrought under the inspection of officers, who were called *examinatores monetæ*, and *custodes cuneorum*, "Essayers and keepers of the dyes," whose business it was, to take care that their coins were of the standard weight and fineness. All these workmen, together with the essayers and keepers of the dyes, in all the different mints, were under the immediate direction of the barons of the exchequer; who, from time to time, commanded them to appear before them with their implements of coining. Thus, in the 9th of king John, writs were issued by the barons of the exchequer, commanding all the moneyers, essayers, and keepers of the dyes, in London, Winchester, Exeter, Chichester, Canterbury, Rochester, Ipswich, Norwich, Lynn, Lincoln, York, Carlisle, Northampton, Oxford, St. Edmunds, and Durham, to appear before them at Westminster, in the quinzies of St. Denys, and to bring with them all their dyes sealed up with their seals ¹⁴¹.

Coins of Scotland the same with those of England.

Though it is highly probable that money was coined in Scotland before the beginning of this period; yet as none of that ancient money hath been discovered, nothing certain can be said on

¹⁴¹ Madox Hist. Excheq. chap. 9. p. 198.

that

that subject¹⁴¹. Nor have any coins of Malcolm Canmore, or of his three successors, Donald, Duncan, and Edgar, kings of Scotland, yet appeared; the most ancient Scotch coins that are known being those of Alexander I. who began his reign A. D. 1107¹⁴². From that æra the series is almost complete¹⁴³. It is unnecessary to spend one moment in describing the money of Scotland, in this period, as it was exactly the same in weight, fineness, and fabrication, with that of England, already described.

If any gold was coined in Britain in the times we are now considering, it hath disappeared. For no gold coins of any of the kings who reigned in England in this period, have been yet discovered, nor are any such coins mentioned by the contemporary historians. But foreign gold coins, of the same kinds which had circulated among the Anglo-Saxons, still continued to circulate through the whole of this period. These were commonly called *Byzants*, or *Byzantines*, and have been described in the sixth chapter of the second book of this work¹⁴⁴.

The proportion of gold to silver appears to have been as one to nine. The abbot of Thorney being obliged to pay to king Stephen yearly, for the privilege of a market at Jakesley, one mark of gold, paid nine marks of silver, and was dis-

¹⁴¹ See vol. 4. p. 282.

¹⁴² Anderson *Diplomata Scotiæ*, Præfat. p. 57.

¹⁴³ Id plate 157, &c.

¹⁴⁴ See vol. 4. p. 274.

charged.

charged ¹⁴⁶. The same proportion was observed in the succeeding reign. For Peter Turk paid six pounds of silver into the exchequer, for one mark of gold, which he owed to Henry II. ¹⁴⁷ The cheapness of gold, in this period, seems to be an indication of its abundance in proportion to silver.

Different
ways of
paying
money.

The most natural and easy way of paying any sum of money, is to pay as many real coins of gold or silver as are nominally and legally contained in that sum. This is called paying by tale; and is almost the only method now in use. But as the real value of coins, in some periods, may fall considerably short of their nominal value, either by a deficiency in their weight, or fineness, or in both, it becomes necessary, at those times, to contrive some methods to guard against this deception. Several methods were used for this purpose, in the times we are now considering, by those who received the royal revenues at the exchequer, and probably by all who had extensive dealings in money.

Incre-
ment.

When the coins offered to the receivers at the exchequer appeared to them sufficiently pure, but a little lighter than the standard, they contented themselves with demanding and receiving six silver pennies in every pound, more than was nominally contained in it, to make up the supposed deficiency in the weight. For example, they demanded and received two hundred and

¹⁴⁶ Madox Hist. Excheq.

¹⁴⁷ Id. ibid.

forty-six silver pennies for one pound; instead of two hundred and forty pennies, which made a nominal pound. The six silver pennies extraordinary were called *the increment*; and this way of paying was called paying *ad scalam*, and was an easy and amicable method of adjusting the difference between the legal and real weight of coins ¹⁴⁸.

When the coins presented in payment at the **By** exchequer appeared to be so much diminished that the ordinary increment would not make up the deficiency, they were put into the scales, and taken by weight, without any regard to number. This was called payment *ad pensum*, and was certainly the most just ¹⁴⁹.

But as coins might be defective in fineness, as **By** well as in weight, the receivers at the exchequer **but** sometimes melted a few of them by way of trial, and calculated the value of the whole, according to the issue of that trial. This was called payment by *combustion*; and when a quantity of coins had undergone this trial, they were said to be *blanched*. To prevent the trouble of melting, a certain allowance, as one shilling in the pound, was sometimes offered, and accepted, to make up the deficiency in fineness ¹⁵⁰. There were proper officers in the exchequer for performing these operations, such as a pefour for weighing, and a fusor for melting the coins that were to be

¹⁴⁸ Madox. Hist. Excheq. ch. 9. p. 187.

¹⁴⁹ Id. *ibid*.

¹⁵⁰ Id. *ibid*.

tried;

tried; and these officers were furnished with proper instruments and conveniencies for their respective works ¹⁵¹.

Manner of
payments
settled.

It will readily occur to every reader, that these different modes of payment made a very essential difference both to the debtor and creditor, especially in large sums; because it required a greater number of the same kind of coins to pay the same debt in one way than another. For this reason, in making bargains, and settling the rents of farms, &c. it was usual to stipulate in which of these ways the money was to be paid, by tale, by scale, by weight, or by combustion ¹⁵².

Comparative
value
of money.

If the same nominal sum of money had always contained the same quantity of the precious metals, of the same fineness, we might easily and certainly have discovered the comparative value of money, and expence of living, at any two periods, only by comparing the nominal prices of labour and commodities at these different times. But this hath not been the case. The same nominal sum of money, as a pound, a mark, a shilling, &c. hath at some periods contained a greater, and at others a smaller quantity of silver, to say nothing of its different degrees of fineness. In order therefore to discover the comparative value of money, and expence of living, at any two periods, two things must be taken into the account: 1st, The quantity of

¹⁵¹ Madox Hist. Excheq. ch. 9. p. 197.

¹⁵² Id. ibid.

silver

silver contained in the same nominal sum at each of these periods; and, 2dly, the efficacy or power of the same quantity of silver in purchasing labour and commodities of all kinds at each period.

Any nominal sum of money, or number of pounds, marks, or shillings, in the period we are now delineating, contained nearly thrice as much silver, as the same nominal sum, or number of pounds, marks, or shillings, contain at present. Whenever therefore we meet with any sum of money, or number of pounds, marks, or shillings, in the histories or records of this period, said to be the price of any commodity, we must multiply it by three to discover how many of our pounds, marks, or shillings, it contained. Thus, for example, we are told by several of our ancient historians, that there was so great a scarcity of corn in England, A. D. 1126, that a quarter of wheat sold for six shillings, that is, for eighteen shillings of our money¹³³.

The same nominal sum of money not only contained a much greater quantity of silver than it doth at present, but the same quantity of silver was also much more valuable than it is at present. It is difficult, if not impossible, to discover the difference in this respect with certainty and exactness. This difficulty is occasioned by two things: 1. because we are not sufficiently informed of the common prices of the most ne-

¹³³ Hen Hunt. p. 219. R. Hoveden Annal. p. 274.

cessary and useful commodities, particularly of corn, in this distant period; 2. because the prices of some commodities, as of books, silks, and spices, bore a much higher proportion than the prices of some others, as of corn, cattle, and wine, to the prices of the same commodities in the present times. Accordingly we find, that the most ingenious and best-informed writers have entertained very different sentiments on this subject; some estimating the value or efficacy of any given weight of silver coins in the eleventh and twelfth centuries, to the value or efficacy of the same weight of our silver coins at present, to have been in the proportion of ten to one, and some estimating it to have been only in the proportion of five to one¹⁵⁴. That is to say, some of these writers think, that a quantity of silver coins, of an equal weight with one of our crown-pieces, would have purchased ten times as much labour, meat, drink, and clothing, in the eleventh and twelfth centuries, as one of our crown-pieces can purchase at present, while others of them think that it would have purchased only five times as much.

The same quantity of silver five times the value it is at present.

If we could discover the average price of corn in the times we are now examining, we might determine this question with tolerable certainty; because the price of corn hath a considerable influence on the price of labour, and the expence

¹⁵⁴ Mr. Hume's History of England, vol. 1. p. 160. edit. 1762. Lord Lyttelton's History of Henry II. vol. 1. p. 405. octavo edit. 1769.

of living. The historians of this period represent it as a great dearth, or rather as a famine, when wheat was sold for six of their shillings (containing as much silver as eighteen of our shillings) the quarter. "This year, A. D. 1126 (says Henry of Huntington), was the greatest dearth in our times, when a quarter of wheat was sold for six shillings¹⁵⁵." If we suppose the same quantity of silver to have been ten times as valuable then as it is now, this makes the dearth A. D. 1126, to have been as great as it would be at present, if wheat was sold for nine pounds the quarter, or £ 1 : 2 : 6 the bushel : a dearth that would be quite ruinous and insupportable. But if we suppose the value or efficacy of the same quantity of silver to have been only five times as great then as it is now, this makes the dearth A. D. 1126 to have been as great as it would be at present if a quarter of wheat was sold for £ 4 10s. or a bushel for 11s. 3d. a dearth sufficiently distressful, and of which we have few examples. We can hardly imagine that our historians would have mentioned this dearth in such strong terms, if the price of corn had not then been the double of its common or average price. On the other hand, our historians speak of it as a proof of uncommon plenty and cheapness, when wheat was sold for two of their shillings (containing as much silver as six of our shillings) the quarter.

¹⁵⁵ Hen. Hunt. p. 279.

“ This year, A. D. 1244 (says Matthew Paris),
 “ was so fruitful, that a quarter of wheat was
 “ sold for two shillings ¹⁵⁶.” Upon the whole,
 it seems to be no improbable conjecture, that the
 most common price of wheat in the eleventh and
 twelfth centuries, was about three of their shil-
 lings, or nine of our shillings the quarter. If
 we suppose the same quantity of silver to have
 been then ten times the value it is now, we must
 also suppose, that the most common or average
 price of wheat in our times is £ 4. 10 s. the
 quarter: a supposition which we know to be
 very remote from truth. But if we estimate any
 given quantity of silver, as nine of our shil-
 lings, the average price of a quarter of wheat
 in the eleventh and twelfth centuries, to have
 been only five times the value of the same quan-
 tity of silver at present; this corresponds with
 the supposition, that the average price of a
 quarter of wheat, in modern times, is £ 2 5 s.
 or 5 s. 7½ d. the bushel. This is evidently not
 far from the truth. The justness of this sup-
 position, that any given quantity or weight of
 silver coins, in the period we are now delineating,
 was equal in value and efficacy to five times the
 same weight or quantity of our silver coins at
 present, might, if it was necessary, be confirmed
 by many other arguments ¹⁵⁷.

¹⁵⁶ M. Paris, ad an. 1244.

¹⁵⁷ See Lord Lyttleton's History of Henry II. vol. 1. p. 404—410.
 oSlavo.

According

According to this supposition, a person who had a nominal income of £ 10 a-year, in this period, received as much silver as one who hath a nominal income at present of £ 30 a-year; and could have lived as well, purchased as much labour, meat, drink, and clothing, as one who hath an income of £ 150 at present. A constant attention to these two things, the different quantity of silver in the same nominal sum of money, and the different value of the same quantity of silver, is necessary to our understanding the meaning of our ancient historians on many occasions, and particularly to our comprehending the real value of the several sums of money that are mentioned by them.

The materials of our commercial history, in this period, are not so perfect as to enable us to form a judgment, or even a guess, concerning the balance of trade between Britain and any one particular country. But we have good reason to believe, that the balance of trade, upon the whole, was in favour of Britain; or in other words, that the British exports were more valuable than the British imports; and that to make up the deficiency in the imports, Britain received a balance in cash or bullion.

This may be proved in this manner. We had no mines of gold or silver in this island, in those times, to supply the daily diminution of the national stock of the precious metals, by manufactures,—by the wear and loss of plate and coin,—

and by the great sums of money which were carried out of the kingdom from time to time; yet this diminution was actually supplied, and the national stock was kept up, if not increased; which must have been by cash or bullion brought home by the balance of trade.

No mines
of gold or
silver.

That no mines of gold or silver were wrought in Britain in this period, the silence of all our records, historians, and other writers, seems to be a sufficient proof. That the national stock of the precious metals must have been gradually diminished—by the quantities of them that were used in illuminating, gilding, and other manufactures,—and by the necessary wear and loss of plate and coins, is too evident to need any proof.

Much money
carried out
of Eng-
land.

That very great sums of money were carried out of Britain in the course of this period, we have the clearest evidence. What prodigious sums of money were carried to Rome alone by the clergy, in purchasing their palls, prosecuting their appeals, and procuring favours of various kinds, to say nothing of the annual payment of Peter-pence! Many of our writers in this period complain bitterly of the avarice of the pope and cardinals, and of the great sums of money which they extorted from the English clergy, and others¹⁵⁸. Nay, king John, in a letter which

¹⁵⁸ P. Blesens. Epist. 153, p. 143. 144. Epistolæ S. Thomæ Cant. l. 1. Ep. 179. p. 306. M. Paris, Vit. Abbat. p. 46: 89. 92.

he wrote to the pope A. D. 1208, affirmed, that the court of Rome received more money from England, than from all the other kingdoms on this side of the Alps¹⁵⁹. The long residences of our kings upon the continent, and their frequent wars with the kings of France and other princes, must have occasioned a great drain of money from England. The unfortunate expedition of Richard I. into the Holy Land, together with his ransom from his captivity, carried out an incredible mass of money¹⁶⁰. To say nothing of the great sums which the prelates, nobles, and others, who embarked in that expedition, carried with them, the king not only expended on it all his father's treasures, but all the money which he collected from the sale of every thing belonging to the crown for which he could find a purchaser¹⁶¹.

But notwithstanding all these drains, and others which might have been mentioned, England still continued to be rich in money. If the Jews, in particular, who were settled in Britain, had not been very rich in money, they could not have paid the heavy and frequent demands that were made upon them by government¹⁶². All our kings were rich in gold and silver; and great sums of ready money, as well as great quanti-

¹⁵⁹ M. Paris Hist. Angl. p. 156.

¹⁶⁰ Chron. J. Brompt. col. 1162. Knyghton, col. 2402.

¹⁶¹ W. Neubrigen, l. 4. c. 5.

¹⁶² See Madox Hist. Excheq. chap. 7.

ties of plate and jewels, were found in their repositories when they died¹⁶³. Many subjects also, particularly among the prelates, possessed great quantities of the precious metals, both in coin and plate. No less than forty thousand marks, equal in quantity of silver to £ 80,000, and in value or efficacy to £ 400,000 of our money, were found in the castle of the Devizes, when it was taken from Roger bishop of Salisbury, A. D. 1139¹⁶⁴. Eleven thousand pounds of silver, and three hundred pounds of gold coins, besides great quantities of gold and silver plate, were found in the treasury of Roger archbishop of York at his death, A. D. 1181¹⁶⁵. The silver coins alone in this archiepiscopal treasury, were equal in value to £ 165,000 of our present money; and if we reckon one pound of the gold to have been worth only nine pounds of silver, the gold coins were equal in efficacy to £ 40,500 of our money. Many other examples, if it was necessary, might be given, from the genuine monuments of this period, of particular persons, and of societies, who possessed great quantities of the precious metals, both in coins and plate. In a word, there is sufficient evidence, that though great sums of money were annually carried out of England, to Rome, to

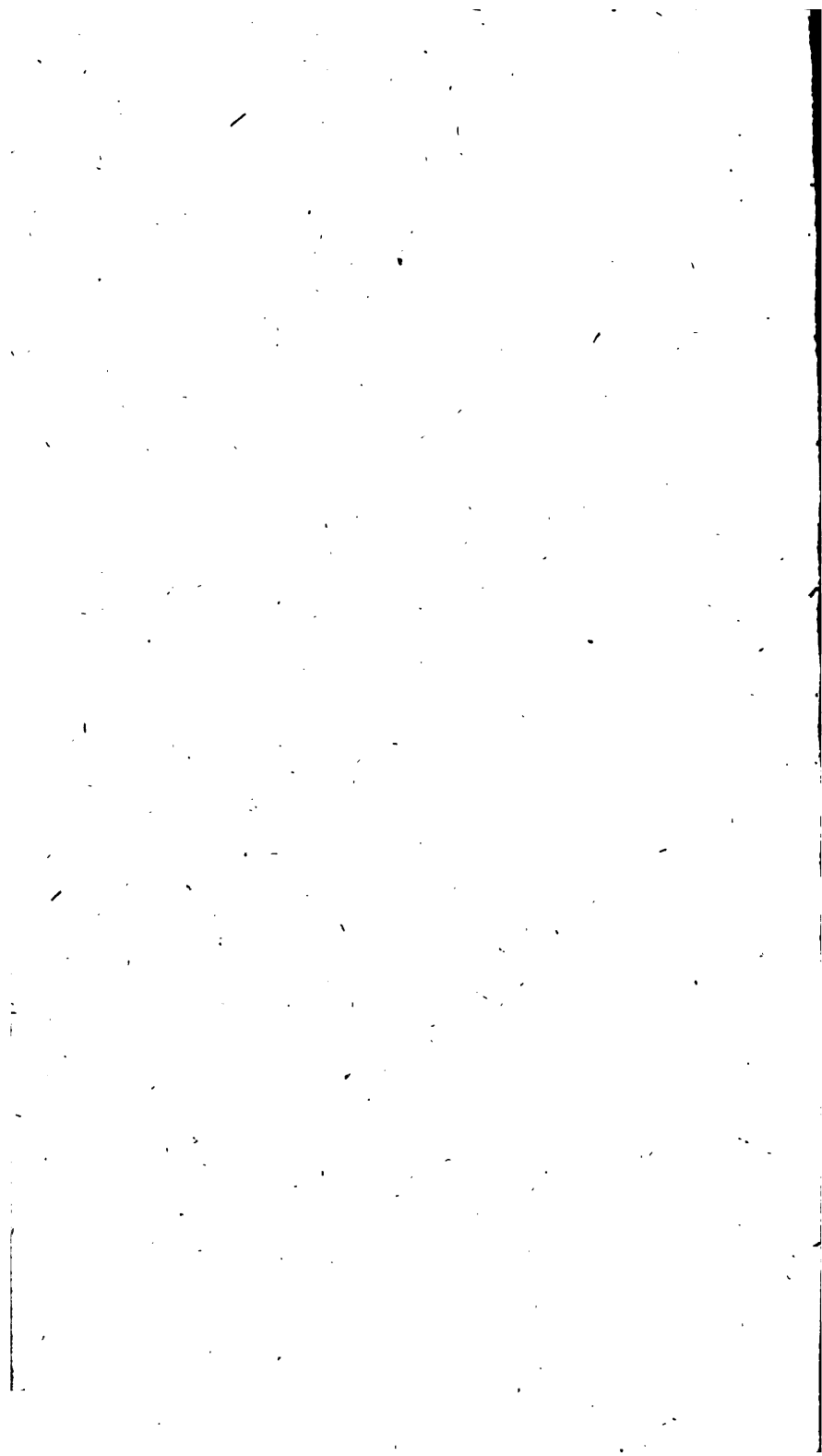
¹⁶³ Hoveden. Annal. p. 374. Benedict. Abbas, tom, 2. p. 553. M. Paris, p. 107.

¹⁶⁴ J. Brompt. col. 1027. Chron. Gervas, col. 1346.

¹⁶⁵ M. Paris, Hist. Angl. p. 97.

Normandy,

Normandy, and other places, the national stock of gold and silver was not diminished, but rather increased, in the course of this period. This cannot be accounted for, but by supposing, that considerable quantities of coin and bullion were imported by the merchants as the balance of their trade with foreign nations. All the gold coins, in particular, which appear to have been numerous, must have been imported, as no gold was coined in Britain in this period.



THE
HISTORY
OF
GREAT BRITAIN.

BOOK III.

CHAP. VII.

History of the Manners, Virtues, Vices, remarkable Customs, Language, Dress, Diet, and Diversions, of the people of Great Britain, from the landing of William Duke of Normandy, A. D. 1066, to the death of King John, A. D. 1216.

NATIONS which have been long seated in the same country, and have had little intercourse with strangers, commonly retain the same national characters, manners, and customs, through a long succession of ages. They become proud of their antiquity, fond admirers of their ancestors, and warmly attached to all their sentiments and practices; their follies, errors, and

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and vices, not excepted. The inhabitants of Wales, for example, and of the greatest part of Scotland, the descendants of the ancient Britons and Caledonians, seem to have had the same national characters, manners, and customs, the same religion, laws, language, dress, diet, and diversions, with very little variation, for more than a thousand years. As all these have been already described at great length in this work, it will not be necessary to say much concerning them in this chapter, except to take notice of such singularities on any of these subjects as are mentioned for the first time by the writers of this period ¹.

Manners
of the
Anglo-
Saxons
changed.

The manners, virtues, vices, remarkable customs, &c. of the Anglo-Saxons and Danes, who conquered and peopled the best and greatest part of Britain in the preceding period, have been also delineated ². If these nations had continued in the peaceable possession of their country, they would probably have retained the same national character and manners, with some slight and almost insensible alterations, in the present period. But by their subjection to and intermixture with their Norman conquerors, very great changes were made in their manners, customs, and ways of living, which claim our attention in this part of our work.

Manners
of the
Normans.

But as the Normans first appeared upon the stage, and became the governing and predomi-

¹ See vol. 2. chap. 7. Vol. 4. chap. 7.

² See vol. 4. chap. 7.

nant people of England, in our present period, their manners, &c. must be the principal subject of this chapter.

Those destructive bands of piratical adventurers which issued from Scandinavia, and infested all the seas and coasts of Europe, in the ninth, tenth, and eleventh centuries, were sometimes called *Saxons*, sometimes *Danes*, and sometimes *Normans*. "From the fury of the Normans, "Good Lord deliver us," was then a petition in the litanies of all the nations, which dreaded the depredations of those northern plunderers, who were called *Normans* from the situation of the countries from whence they came³. "In those days (says the author of the Saxon chronicle, A. D. 787) came the first three ships of Northmen from Herethaland. These were the first ships of Danishmen that came into England⁴."

About the beginning of the tenth century, a very numerous band; or rather army, of these northern adventurers, under the conduct of Rollo, a Norwegian chieftain, invaded, and almost desolated the fine province of Neustria. This province extending from the river Ept to the confines of Brittany, was at length granted A. D. 911, by Charles the Simple king of France, to Rollo and his followers, on condition that they became Christians, and that they held the ceded territories of the crown of

³ See vol. 4. p. 344. note.

⁴ Chron. Saxon. p. 64.

France.

France⁵. With these conditions they complied ; and having obtained possession of so fine a country, they abandoned their former roving and predatory course of life, and began to rebuild the cities which they had destroyed, and to cultivate the fields which they had desolated. From that time the country which had formerly been called *Neustria*, was called *Normandy*, from its new masters ; who were called *Normans*, because all the different countries from whence they came, lay to the north of France.

Settled in
France
and be-
came
French-
men.

Duke Rollo, and his Normans, though they had been as great barbarians as any of the other swarms of savages which had issued from Scandinavia, gradually became a civilized and polished people, after their settlement in Normandy. This was owing to several causes. The Christian religion, which they then embraced, was of a more humane and peaceful spirit than the barbarous superstition in which they had been educated.—The mild climate and fertile soil of Normandy inspired them with the love of home, and of a quiet and settled way of life.—Their intercourse and intermarriages with the French inhabitants, made them adopt the manners, customs, language, and dress of that people. This was so much the case, that the Normans, when they invaded England, called themselves, and were called by others, Frenchmen.. They are so

⁵ W. Gimiticenf. l. 2. c. 17. Dudo Sancti Quint. p. 84. P. Walsingham Ypodigma Neustria, p. 417.

called in the laws of William the Conqueror, and in the charters of that prince and of his successors for a century after the conquest⁶. In a word, the manners, customs, virtues, vices, language, dress, diet, and diversions of the predominant people of England, through the greatest part of this period, were exactly the same with those of persons of the same rank on the continent of France. A very brief delineation of these must now be given.

There is hardly any thing more remarkable in the manners and customs of this period, than the sovereign contempt in which the name of an Englishman was held, and the cruel indignities with which the persons of Englishmen were treated. William of Poictou, in describing the battle of Hastings, at which he was present, frequently denominates the English,—*the barbarians*. “The cries (says he) of the Normans on one side, and of the barbarians on the other, were drowned by the clashing of arms and the groans of the dying⁷.” After that fatal battle, and a few unfortunate revolts, the native English sunk into great contempt and wretchedness⁸. Their estates were confiscated, their persons insulted, their wives and daughters dishonoured before their eyes. “The Normans (says an ancient historian) were astonished at their own

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⁶ Seldeni Spicilegia ad Eadmerum, p. 193. Charta Henrici II. in libro Rubro Scaccarii.

⁷ W. Pictaviensis a Duchesne edit. p. 202. ⁸ Ingulph. Hist. p. 70.

“ power,

“ power, became as it were mad with pride,
 “ and imagined that they might do whatever
 “ they pleased to the English. Young ladies
 “ of the highest rank and greatest beauty having
 “ lost their fathers, brothers, and protectors,
 “ and being violated by armed ruffians, called
 “ upon death to come to their relief.” In a
 word, the name of an Englishman became a
 term of reproach. “ The Normans (says
 “ Brompton) reduced almost all the English to
 “ such a state of servitude, that it was a reproach
 “ to be called an Englishman.” This in-
 solence of the Normans, and depression of the
 English, continued almost to the very conclusion
 of our present period. For we are told by Giral-
 dus Cambrensis, who flourished in those times,
 that, in the reign of Richard I. when a Norman
 was accused of any thing which he thought
 dishonourable, and chose to deny, he commonly
 said,—*What! do you imagine I am an Englishman?*
 —or—*May I become an Englishman if I did it*°. By
 slow degrees, however, the animosity be-
 tween the Normans and English abated, and
 they coalesced into one powerful people, who
 have long been, and still are, justly proud of the
 honourable name of *Englishmen*.

Method of education. A new mode of education was one of the
 many changes introduced into England by the
 Normans. For the Conqueror, having formed

° Orderic. Vital. p. 523.

° J. Brompt. p. 962.

10 Anglia Sacra, tom. 2. p. 406.

the design of extirpating the English language, and making the French the vulgar tongue of all his subjects, commanded, that the children of the English should be taught the first rudiments of grammar at school in French, and not in English". This mode of education introduced by the Normans, with a design to establish their own language on the ruins of the Anglo-Saxon, continued more than three centuries after the conquest. This we learn from Trevifa, a writer who flourished in the fourteenth century, whose testimony we shall give in his own words: "For John Cornwaile, a master of grammar, changed the lore in grammar scole, and construction of Frenche into Englische; and Richard Pencriche lerned the manere techynge of him, as other men of Pencriche. So that now, the yere of our Lorde a thousand three hundred and foure score and five, and of the seconde kyng Richard, after the conquest nyne, and alle the gramere scoles of Engilond, children leveth Frensche, and construeth and lerneth an Englische, and haveth thereby advantage in oon side, and disadvantage in another side. Here advantage is, that they lerneth her gramer in lasse tyme, than children were wonted to doo; disadvantage is, that now children of gramer scole conneth na more Frensche than can her list heele, and that is harm for him, and they schulle passe the see,

" Ingulph. Hist. p. 71.

" and

“ and travail in strange landes, and in many
 “ other places. Also gentlemen havith now
 “ moche left for to teche here children
 “ Frenche¹². ” Thus the long struggle between
 the French and English languages, after it had
 continued more than three centuries, drew to-
 wards a conclusion, and victory began to declare
 in favour of the English.

Introduc-
 tion of
 chivalry.

The very singular spirit of chivalry which be-
 gan to display itself about the beginning of this
 period, and was introduced into England by the
 Normans, gave a new turn to the education of
 the young nobility and gentry, in order to fit
 them for obtaining the honour of knighthood,
 which was then an object of ambition to the
 greatest princes¹³. Those noble youths who
 were designed for the profession of arms and the
 honours of knighthood, were early taken out of the
 hands of the women, and placed in the family of
 some great prince or baron, who was also esteemed
 an expert and valorous knight.

Pages or
 valets.

At their first entrance into this school of chi-
 valry, they acted in the capacity of pages or
 valets¹⁴. For those names which are now appro-
 priated to domestic servants, were then some-
 times given to the sons and brothers of kings¹⁵.
 In this station they were instructed in the laws of

¹² Hicessii Thesaur. tom. 1. Præfat. p. 17, 18.

¹³ Simeon Dunelm. p. 277. Ailredi Abbat. Rieval. p. 347.

¹⁴ Memoire sur l'Ancienne Chevalerie, par M. de Sainte Paylaye,
 tom. 1. p. 6.

¹⁵ Les Mœurs de François, par Le Gendre, p. 63.

courtesy and politeness, and in the first rudiments of chivalry, and martial exercises; to fit them for shining in courts, at tournaments, and on the field of battle. Henry II. received this part of his education in the family of his uncle, Robert earl of Gloucester, who was one of the most accomplished knights of the age in which he flourished ¹⁶.

After they had spent a competent time in the station of pages, they were advanced to the more honourable rank of esquires. Then they were admitted into more familiar intercourse with the knights and ladies of the court, and perfected in dancing, riding, hawking, hunting, tilting, and other accomplishments necessary to fit them for performing the offices, and becoming the honours, of knighthood, to which they aspired ¹⁷. In a word, the courts of kings, princes, and great barons, were a kind of colleges of chivalry, as the universities were of the arts and sciences; and the youth in both advanced through several degrees to the highest honours.

The exercises of the youth in these schools of chivalry, are thus described by Fitz-Stephen, who flourished in the reign of Henry II. <sup>T
er
ic</sup> "Every Sunday in Lent, immediately after dinner, crowds of noble and sprightly youths, mounted on war-horses, admirably trained to perform

¹⁶ Gervas Chron. p. 1358. W. Malmf. p. 98.

¹⁷ Memoirs sur Chevalerie, part 1.

“ all their turnings and evolutions, ride into the
 “ fields in distinct bands, armed with lances and
 “ shields, and exhibit representations of battles,
 “ and go through all their martial exercises.
 “ Many of the young nobility, who have not
 “ yet received the honour of knighthood, issue
 “ from the king’s court, and from the houses
 “ of bishops, earls, and barons, to make trial
 “ of their courage, strength, and skill in arms.
 “ The hope of victory rouses the spirits of these
 “ noble youths;—their fiery horses neigh and
 “ prance, and champ their foaming bits. At
 “ length the signal is given, and the sports
 “ begin. The youths, divided into opposite
 “ bands, encounter one another. In one place
 “ some fly, and others pursue, without being
 “ able to overtake them. In another place,
 “ one of the bands overtakes and overturns the
 “ other.”

Sworn
brothers.

The noble youth in those schools of chivalry,
 sometimes contracted the most sincere and lasting
 friendships, and became what they then called
sworn brothers. Those who were sworn brothers,
 cemented their friendship with vows of inviolable
 attachment to each other, in peace and war, in
 prosperity and adversity;—that they would share
 the same dangers, and divide equally all their
 acquisitions¹⁸. Of this custom it may not be
 improper to give one example. Robert de Oily,

¹⁸ W. Stephaned. Descript. Lond. a J. Sparke edit. 1723. p. 7, 8.

¹⁹ Du Cange Gloss. voc. *Fratres conjurati*.

and Roger de Ivery, two young gentlemen who came into England with the duke of Normandy, were sworn brothers. Some time after the conquest, king William granted the two great honours of Oxford and St. Waleries to Robert de Oily, who immediately bestowed one of them, that of St. Waleries, on his sworn brother Roger de Ivery²⁰. A custom familiar to this prevailed in Wales. The princes of that country placed one of their sons in the family of one chieftain, and another in the family of another, where they were educated with the sons of these chieftains, who became the sworn brothers of the young prince who had been educated with them. This produced frequent civil wars, each of the great families endeavouring with all their power to raise their sworn brother and favourite prince to the government²¹.

It was also in these schools of chivalry, the courts of kings, princes, and great barons, that the youth of this period imbibed that spirit of romantic gallantry, and devotion towards the ladies, which was esteemed the most necessary qualification of a true and gentle knight. These courts were the schools in which the ladies, as well as the gentlemen, received their education. Both were often the wards of the prince or great baron; and while those of the one sex were educated with his sons under his own eye, those of

²⁰ Kennet's Parochial Antiquities, p. 57.

²¹ Gerald. Cambrenf. apud Angl. Sacra, tom. 2. p. 450.

the other sex were educated with his daughters under the inspection of his lady. In this situation it was natural for the young persons of each sex to cultivate those qualities which would render them most acceptable to the other. These were gentleness, modesty, and virtue, in the ladies; courtesy, valour, and gallantry, in the gentlemen. Accordingly we are told, that in these schools of chivalry, the youth were carefully instructed in the arts of love, and in all the rules and punctilios of a virtuous and honourable gallantry²². To render these lessons more effectual, the young gentlemen choose mistresses among the young ladies of the courts in which they resided, to whom they addressed all their vows, and practised all their arts of pleasing²³. They became their constant attendants in assemblies, their champions at tournaments, the protectors of their persons, fame and fortune, and the avengers of their wrongs.

Knights.

When the youth in these schools of chivalry had spent seven or eight years in the station of esquires, they received the honour of knighthood, most commonly from the hands of the prince, earl, or baron, in whose court they had spent their youth and received their education. That honour was preceded by various preparations, and accompanied with several pompous ceremonies; which are thus described by the best modern writer on this subject, who hath con-

²² *Memoires sur la Chevalerie*, part 1.

²³ *Id. ibid.*

firm'd every article of his description by the most solid proofs, “ Severe fastings,—nights
“ spent in prayer in a church or chapel,—the sacraments of penance, and the eucharist received with devotion,—bathing, and putting
“ on white robes, as emblems of that purity of manners required by the laws of chivalry,—
“ confession of all their sins,—with serious attention to several sermons, in which the faith
“ and morals of a good Christian were explained, were the necessary preparations for receiving
“ the honour of knighthood. When a candidate for that honour had performed all these
“ preliminaries, he went in procession into a church, and advanced to the altar, with his
“ sword slung in a scarf about his neck. He presented his sword to a priest; who blessed it, and
“ put it again into the scarf, about the neck of the candidate; who then proceeded in a solemn pace, with his hands joined, to the place
“ where he was to be knighted. This august ceremony was most commonly performed in a
“ church or chapel, in the great hall of a palace or castle, or in the open air. When the
“ candidate approached the personage by whom he was to be knighted, he fell on his knees at
“ his feet, and delivered to him his sword. Being asked, for what end he desired the honour of knighthood? and having returned a
“ proper answer, the usual oath was administered to him with great solemnity. After this,
“ knights and ladies, who assisted at the ceremony,

“mony, began to adorn the candidate with the
 “armour and ensigns of knighthood. First,
 “they put on his spurs, beginning with the left
 “foot; next his coat of mail; then his cuirass;
 “afterwards the several pieces of armour for his
 “arms, hands, legs, and thighs; and, last of
 “all, they girt him with the sword. When the
 “candidate was thus *dubbed*, as it was called,
 “the king, prince, or baron, who was to make
 “him a knight, descended from his throne or
 “seat, and gave him still on his knees, the
 “accolade, which was three gentle strokes, with
 “the flat of his sword on the shoulder, or with
 “the palm of his hand on the cheek; saying at
 “the same time,—*In the name of God, St. Mi-*
 “*chael, and St. George, I make thee a knight; be*
 “*thou brave, hardy, and loyal.* The new knight
 “was then raised from the ground, his helmet
 “put on, his shield and lance delivered to him,
 “and his horse brought; which he mounted
 “without using the stirrup, and performed se-
 “veral courses, displaying his dexterity in horse-
 “manship, and in the management of his arms,
 “amidst the acclamations of great multitudes
 “of people, who had assembled to behold the
 “ceremony²⁴.” Could any institution be better
 adapted to inflame the ardour of the young nobility
 in acquiring the accomplishments necessary to ob-
 tain an honour which was courted by the greatest
 monarchs?

²⁴ Memoires sur l'ancienne Chevalerie, par M. de la Curne de Sainte Palaye, tom. i. p. 72, &c.

The virtues and endowments that were necessary to form an accomplished knight in the flourishing times of chivalry, were such as these,—beauty, strength, and agility of body,—great dexterity in dancing, wrestling, hunting, hawking, riding, tilting, and every other manly exercise;—the virtues of piety, chastity, modesty, courtesy, loyalty, liberality, sobriety; and above all, an inviolable attachment to truth, and an invincible courage.

To perform the duties of a good and valiant knight, not one of these virtues and endowments was unnecessary. For he was not only to be the delight and ornament of courts by his gallantry and politeness, but he was bound by oath—to serve his prince,—to defend the church and clergy,—to protect the persons and reputations of virtuous ladies,—and to rescue the widow and orphan from oppression, with his sword, at the hazard of his life²⁵. Few, we may presume, possessed all these qualifications, and performed all these duties in perfection. But still an institution so virtuous in its principles, and honourable in its ends, must have done much good, and prevented many evils. We have even reason to believe, that chivalry, which, under the name of knight-errantry, hath long been an object of ridicule, was one of the happiest inventions of the ages in which it flourished.

²⁵ *Memoires sur l'ancienne Chevalerie, par M. de la Curne de Sainte Palaye, tom. 1. p. 72, &c.*

Surnames. The use of family-surnames, descending from father to son, seems to have been introduced into Britain by the Normans at the beginning of this period. For among the Anglo-Saxons, persons who bore the same Christian name, were distinguished from one another by descriptive epithets, as the black the white, the long, the strong, &c. and these epithets were not given to their sons if they did not possess these properties²⁶. Family-surnames, at their first introduction, like family-arms, were confined to persons of rank and fortune, who most commonly took their surnames from the castles in which they resided, or the estates which they possessed²⁷. This is the true reason of the surnames of so many of the noble and honourable families in England, being the same with the names of certain towns, castles, and estates in Normandy, France, and Flanders. The ancestors of these families were lords of these estates and castles; and being proud of their native country and family possessions, they retained their names after they settled in England, and transmitted them to their posterity²⁸. It was not till after the conclusion of this period that surnames were universally assumed by the common people.

Coat-armour.

The use of coats of arms, distinguishing one great family from another, and descending from father to son, appears to have been introduced

²⁶ See vol. 4. ch. 7. p. 351. Verſtigan, ch. 8.

²⁷ Camden's Remains, p. 113.

²⁸ *Ib.* *ibid.*

into

into Britain about the same time with family-furnames, and by the same noble Normans. The Anglo-Saxon warriors adorned their shields and banners with the figures of certain animals, or with other devices; but in doing this every particular person followed his own fancy, without any regard to the figures or devices that had been borne by his ancestors²⁹. But about the time of the first croisades, greater attention began to be paid to these devices, when it was discovered that they might be useful as well as ornamental. "About this time (says one of our "best antiquaries) the estimation of arms began "in the expeditions to the Holy Land; and "afterwards, by little and little, became hereditary; when it was accounted most honourable to carry those arms which had been displayed in the Holy Land, in that holy service against the professed enemies of Christianity³⁰." Jufts and tournaments, the favourite diversions of the great and brave in this period, contributed not a little to render arms hereditary. For a noble son, proud of the honours that had been gained by an illustrious father in those fields of fame, delighted to appear with the same devices on his shield at the like solemnities³¹. It was only, however, by slow degrees, and in the course of almost two centuries, that

²⁹ Camden's Remains, p. 206. Les Mœurs de François, par M. le Gendre, p. 88.

³⁰ Camden's Remains, p. 208.

³¹ Le Gendre, p. 88.

this

this custom became constant and universal even in noble families.

Norman
magnifi-
cence,

The many noble Normans who settled in England after the conquest, introduced a more magnificent and splendid manner of living than had been known among the Anglo-Saxons. This we learn from a writer who flourished soon after the conquest, and had the best opportunities of being well informed; who tells us, that the English nobles were universally addicted to excessive drinking, and spent their ample revenues in a sordid manner, in mean and low houses; but that the Norman barons dwelt in stately and magnificent palaces, kept elegant tables, and were very splendid in their dress and equipage²². William Longchamp, bishop of Ely, had no fewer than a thousand, some contemporary writers say fifteen hundred, horsemen in his retinue: and to furnish his table, says a prelate who was his contemporary, all the different kinds of beasts that roam on the land, of fishes that swim in the waters, and of birds that fly in the air, were collected²³. The Norman kings and nobles displayed their taste for magnificence, in the most remarkable manner, at their coronations; their royal feasts of Christmas, Easter, and Whitsuntide, and at their tournaments, which were all celebrated with incredible expence and pomp²⁴.

²² W. Malmf. l. 3. p. 57. col. 2.

²³ J. Brompt. p. 1193. Benedict. Abbas, p. 701. Anglia Sacra, tom. 2. p. 407.

²⁴ M. Paris, p. 108.

One thing that contributed very much to swell the retinues of the Norman kings, prelates, and nobles, was the necessity they were under of carrying with them not only their provisions, but even a great part of the furniture of their houses, in their journeys. Peter of Blois, who was chaplain to Henry II. in his curious description of a court-life, paints the prodigious crowds, confusion, and bustle, with which the royal progresses were attended, in very strong colours. “ When
 “ the king sets out in the morning, you see mul-
 “ titudes of people running up and down as if
 “ they were distracted; horses rushing against
 “ horses; carriages overturning carriages; play-
 “ ers, whores, gamesters, cooks, confectioners,
 “ mimics, dancers, barbers, pimps, and para-
 “ fites, making so much noise, and in a word,
 “ such an intolerable tumultuous jumble of horse
 “ and foot, that you imagine the great abyss
 “ hath opened, and that hell hath poured out
 “ all its inhabitants³⁵.” William Fitz-Stephen presents us with a very curious description of the retinue and parade with which the famous Thomas Becket used to travel, when he was chancellor of England. “ He was attended with
 “ about two hundred knights, esquires, young
 “ noblemen, pages, clerks, and officers of his
 “ household, who, together with their attend-
 “ ants, were well armed, dressed, and mounted,
 “ every one according to his rank, He had in

³⁵ P. Blefensf. Epist. 14.

“ his

“ his train eight waggons, each drawn by five
 “ of the strongest horses; two of these waggons
 “ contained his ale, one contained the furniture
 “ of his chapel, another the furniture of his
 “ chamber, and another the furniture of his
 “ kitchen; the other three were filled with pro-
 “ visions, clothes, and other necessaries. He
 “ had besides twelve pack-horses, who carried
 “ trunks, containing his money, his gold and
 “ silver plate, his books, his apparel, and the
 “ ornaments of the altar. To each of the wag-
 “ gons was chained a fierce and terrible mastiff,
 “ and on each of the pack-horses sat an ape or a
 “ monkey²⁶.” In the expedition of Henry II.
 against Toulouse, his chancellor, Becket, had
 seven hundred knights in his pay, who dined every
 day at his own table, or at other tables provided
 for them³⁷.

Some
 things in
 their way
 of living,
 mean and
 sordid

But in the midst of all this magnificence in
 which the Norman kings and nobles lived, there
 were some things in their domestic œconomy,
 which must appear to us exceedingly mean and
 sordid. Several estates in England were held by
 the tenure of finding clean straw for the king's
 bed, and litter for his chamber, as often as he
 lodged at a certain place²⁸. Fitz-Stephen, in
 his life of Thomas Becket, mentions this as a
 proof of his elegant manner of living, — “ That
 “ he commanded his servants to cover the floor

²⁶ W. Stephaned, Vita S. Thomæ, p. 20.

³⁷ Id. ibid. p. 23.

²⁸ Blount's Fragmenta Antiquitatis, p. 28.
 P. 311.

Camd. Brit. vol. 1.

“ of

“ of his dining-room with clean straw or hay,
 “ every morning in winter, and with fresh bul-
 “ rushes and green branches of trees every day
 “ in summer, that such of the knights who
 “ came to dine with him, as could not find
 “ room on the benches, might sit down and dine
 “ comfortably on the floor, without spoiling their
 “ fine clothes³⁹.”

The custom of covering up their fires about
 sun-set in summer, and about eight or nine at
 night in winter, at the ringing of a bell called
 the *couvre-feu*, or *curfew-bell*, is supposed by
 some to have been introduced by William I. and
 imposed upon the English as a badge of servi-
 tude. But this opinion doth not seem to be well
 founded. For there is sufficient evidence, that
 the same custom prevailed in France, Spain,
 Italy, Scotland, and probably in all the other
 countries of Europe, in this period; and was
 intended as a precaution against fires, which were
 then very frequent, and very fatal, when so many
 houses were built of wood⁴⁰. Henry I. restored
 the use of lamps and candles at court in the
 night, after the ringing of the *couvre-feu* bell,
 which had been prohibited by his predecessor
 William Rufus⁴¹.

Piety, or a regard to religion, may not im-
 properly be placed at the head of the national
 virtues of the Anglo-Normans. The best of our

³⁹ W. Stephaned, p. 14.

⁴⁰ Observations on the Statutes, p. 116. Du Cange Gloss. voc.
Ignetegium,

⁴¹ W. Malmf. p. 88.

ancient historians make great complaints of the decay of piety among the Anglo-Saxons immediately before the conquest, and ascribe that great calamity to the wrath of heaven against them on that account⁴². Nothing can exhibit a stronger picture of the different characters of the two nations in this respect, than the different behaviour of the Norman and Saxon armies on the night before the famous battle of Hastings. The Normans spent that awful night in confession, prayer, and other acts of devotion; while the English wasted it in noise and riot⁴³. “Religion (says William of Malmfbury), which was almost extinct in England, revived after the settlement of the Normans. Then you might have seen magnificent churches and monasteries arising in every village, town, and city. In a word, so much did religious zeal flourish in our country, that a rich man would have imagined he had lived in vain, if he had not left some illustrious monument of his pious munificence⁴⁴.” The religion, however, of the Anglo-Normans, in this period, was not of the most pure and rational kind. On the contrary, it consisted chiefly in building, adorning, and endowing churches, in performing certain superstitious ceremonies, in believing all the opinions, and obeying all the commands, of the clergy.

⁴² W. Malmf. p. 57. col. 2. M. Paris. p. 4. col. 2.

⁴³ W. Pictaven. p. 201. Orderic. Vital. p. 501.

⁴⁴ W. Malmf. p. 57. col. 2.

There was no virtue of which the Normans who settled in England were so proud, and to which they made such high pretensions, as martial courage and valour. This they claimed in a degree peculiar to themselves, above all other nations. The speech of William the Conqueror to his army, before the battle of Hastings, was in this boastful strain: "I address you, O Normans! the most valiant of all nations, not as doubting, but as secure of victory, which neither force nor fortune can wrest out of your hands. O ye bravest of mortal men! what availed the king of France at the head of all the nations between Lorrain and Spain, against your ancestor Hastings, who seized as much of France as he pleased, and kept it as long as he thought proper?" &c. &c.⁴⁵ Almost a century after the conquest, the Normans still considered themselves as a distinct people from the English, and had lost nothing of their high opinion of their own valour. This appears from the speech of that venerable warrior Walter Espec, before the battle of the Standard: "Why should we despair of victory, though we are few in number? Hath not the Almighty bestowed victory upon our nation, as its peculiar property? How often have small bodies of brave Normans obtained glorious victories over great armies of the people of France, Maine, Anjou, and Aquitaine? Did not our own fathers

⁴⁵ J. Brompt.

"conquer

“conquer this island at one blow, on which the
 “invincible Julius bestowed so much time and
 “blood? We have seen, my brave Normans,
 “we ourselves have seen, the king of France,
 “and his whole army, flying before us, many
 “of his greatest barons slain, and others taken
 “prisoners. Who were the conquerors of
 “Sicily, Apulia, and Calabria, but the valiant
 “Normans?” &c. &c.⁴⁶

Sobriety.

Sobriety may not improperly be reckoned among the national virtues of the Anglo-Normans, especially at the time of their settlement in England. The most ancient of our historians who had opportunities of conversing with the Normans and English, before they were so blended together as to form one people, commend the former for their sobriety, as much as they condemn the latter for their intemperance. “The English (says William of Malmesbury) were much addicted to excessive eating and drinking, in which they sometimes spent both day and night, without intermission. The Normans were very unlike them in this respect, being delicate in the choice of their meats and drinks, but seldom exceeding the bounds of temperance. By this means the Normans lived with greater elegance, and at less expence, than the English⁴⁷.” The custom, however, of drinking to pegs, which had been

⁴⁶ Ethelredus de Bello Standardi, p. 339, 340.

⁴⁷ W. Malmf. l. 3 p. 57. col. 2.

introduced by a law of Edgar the Peaceable, still continued in this period⁴⁸. For by a canon of the council of Westminster, held A. D. 1102, the clergy are prohibited to frequent ale-houses, or to drink to pegs⁴⁹. It appears also, that before the conclusion of this period, many of the Normans had adopted the manners of the English, and departed from the sobriety of their ancestors. "When you behold (says Peter of Blois) our barons and knights going upon a military expedition, you see their baggage-horses loaded, not with iron but wine, not with lances but cheeses, not with swords, but bottles, not with spears but spits. You would imagine they were going to prepare a great feast rather than to make war⁵⁰. There are even too many who boast of their excessive drunkenness and gluttony, and labour to acquire fame by swallowing great quantities of meat and drink⁵¹."

The point of honour was very much respected by the Normans in this period, and they paid much regard to their plighted faith, especially to the ladies. A most remarkable example of this occurs in the history of king Stephen. The empress Maud, from whom Stephen had usurped the crown of England, was besieged by him in Arundel castle, the residence of the queen-dowa-

⁴⁸ See vol. 4. p. 341.

⁴⁹ Eadmerus, p. 67.

⁵⁰ P. Blefenf. Ep. 24. p. 146. col. 2.

⁵¹ Id. Ep. 86. p. 130. col. 1.

ger, A. D. 1139, and might easily have been taken prisoner. But Stephen was prevailed upon to respect the ties of blood, and the honour due to ladies of so high a rank. He did not push the siege, but gave his word of honour to the empress, that he would cause her to be conducted in safety to the castle of Bristol, the residence of Robert earl of Gloucester, her natural brother and most powerful partizan. Though the empress knew that Stephen had violated the most solemn oaths which he had taken to support her succession to the crown, she relied upon his word of honour, put herself under his protection, and was safely conducted to the castle of Bristol. "The king (says William of Malmfbury) gave "to his brother Henry bishop of Winchester, "and Walleran earl of Millent, the charge of "conducting the empress; an office which no "gallant and true knight could refuse to perform "to his greatest enemy ⁵²."

Wit and
humour.

The Normans appear to have been a cheerful, witty, and facetious people, delighting much in innocent frolics and convivial jocularities. No qualities were more admired amongst them than those of wit and humour. It was to these qualities chiefly that king Stephen owed his popularity, and the success of his usurpation. "Stephen, "when he was an earl (says William of Malmfbury, who was well acquainted with him), "gained the affections of the people to a degree

⁵² W. Malmf. l. 2. p. 104.

"that

“ that can hardly be imagined, by the affability
 “ of his manners, and the wit and pleasantry of
 “ his conversation. He condescended sometimes
 “ to chat and joke with persons in very humble
 “ stations, and the nobility were in general
 “ charmed with him, and embraced his party ⁵³.”

Our historians of this period have taken the trouble to record many of the frolics and repartees of our princes, prelates, and great men; which is a sufficient proof that they were considered as matters of importance, and not unworthy of a place in history. Nay so fond were the Normans of the innocent conflicts of wit and humour, that the greatest enemies, in the very heat of a siege, sometimes suspended their hostilities, in order to engage in a more harmless combat of banter and repartee. When one of the contending parties designed this, he appeared in sight of the other, dressed in white; which was understood and accepted as a challenge to a trial of wit ⁵⁴. John of Salisbury censures, with great severity, the excessive fondness of his countrymen and contemporaries for professed wits and jesters, and reproaches them for spending too much time, and taking too much delight, in their company ⁵⁵.

The Normans seem also to have been a generous open-hearted people, capable of very noble acts of bounty and liberality. Their profuse dona-

⁵³ W. Malmf. Hist. Novel. l. i. p. 101. col. 2.

⁵⁴ Orderic. Vital. p. 784.

⁵⁵ J. Sarisburiens. Policrat. l. i. c. 8. p. 38.

tions to the church are well known, and were certainly far too great and numerous. Few princes have had more to give, or were more liberal in their donations, than the Norman kings of England. To say nothing of the inestimable grants made by William I. to his followers, all his successors in this period displayed both their wealth and liberality at the three great festivals of Christmas, Easter, and Whitsuntide, every year, and on many other occasions. "In the month of February, A. D. 1191 (says John Brompton), when Richard I. was at Messina in Sicily, he made a present of several ships to the king of France and his nobles. He also opened his treasures, and distributed to the earls, barons, knights, and esquires of the army, greater sums of money than any of his predecessors had ever distributed in one year."

Anecdote
of Robert
duke of
Normandy.

The same historian hath preserved the following curious anecdote, which may serve both as a proof and illustration of the wit, politeness, and generosity of the Normans. When Robert duke of Normandy, father of William the Conqueror, was at Constantinople, in his way to the Holy Land, he lived in uncommon splendour, and was greatly celebrated for his wit, his affability, and other virtues. Of these many remarkable examples were related to the emperor; who resolved to put the reality of them to a trial. With this view he invited the duke and all his nobles

to a feast in the great hall of the Imperial palace but took care to have all the tables and sea filled with guests, before the arrival of the Normans, of whom he commanded them to take notice. When the duke, followed by his noble in their richest dresses, entered the hall; observing that all the seats were filled with guests, and that none of them returned his civilities, or offered him any accommodation, he walked, without the least appearance of surprise or discomposure, to an empty space, at one end of the room took off his cloak, folded it very carefully, laid it upon the floor, and sat down upon it; in which he was imitated by his followers. In this posture they dined, on such dishes as were set before them, with every appearance of the most perfect satisfaction with their entertainment. When the feast was ended, the duke and his nobles arose, took leave of the company in the most graceful manner, and walked out of the hall in their doublets, leaving their cloaks, which were of great value, behind them on the floor. The emperor, who had admired their whole behaviour, was quite surprised at this last part of it; and sent one of his courtiers to intreat the duke and his followers to put on their cloaks. "Go (said the duke), and tell your master, that it is not the custom of the Normans to carry about with them the seats which they use at an entertainment." Could any thing be more

delicate than this rebuke, or more noble, polite, and manly, than this deportment?

Foibles
and vices
of the
Normans.

These are the most remarkable of the national virtues and agreeable qualities of the Anglo-Normans which are mentioned by our historians of this period. We must not imagine that these virtues were either unmixed or universal. A regard to truth obliges me to reverse the medal, and take a view of their most conspicuous foibles and prevailing vices. But on this unpleasant subject, the reader's attention shall not be long detained.

Their credulity.

The Normans were no less credulous than the Anglo-Saxons. This is evident from the prodigious number of miracles, revelations, visions, and inchantments, which are related with the greatest gravity by the best of their historians, and other writers. "In this year (1171), about Easter (says Matthew Paris), it pleased the Lord Jesus Christ to irradiate his glorious martyr Thomas Becket with many miracles, that it might appear to all the world he had obtained a victory suitable to his merits. None who approached his sepulchre in faith, returned without a cure. For strength was restored to the lame, hearing to the deaf, sight to the blind, speech to the dumb, health to lepers, and life to the dead. Nay, not only men and women, but even birds and beasts, were raised from death to life." Giraldus

⁵⁸ M. Paris, p. 87.

Cambrensis, who was one of the most learned and ingenious men of the twelfth century, amongst many ridiculous stories of miracles, visions, and apparitions, tells of one devil who acted a considerable time as a gentleman's butler with great prudence and probity; and of another who was a very diligent and learned clergyman, and a mighty favourite of his archbishop. This last clerical devil was, it seems, an excellent historian, and used to divert the archbishop with telling him old stories. "One day when he was
 "entertaining the archbishop with a relation of
 "ancient histories and surprising events, the
 "conversation happened to turn on the incarnation of our Saviour. Before the incarnation,
 "said our historian, the devils had great power
 "over mankind; but after that event their
 "power was much diminished, and they were
 "obliged to fly. Some of them threw themselves into the sea; some concealed themselves
 "in hollow trees, or in the cliffs of rocks; and
 "I myself plunged into a certain fountain. As
 "soon as he had said this, finding that he had discovered his secret, his face was covered with
 "blushes, he went out of the room, and was no
 "more seen⁵⁹."

The Normans were as curious as they were credulous. This prompted them to employ many vain fallacious arts to discover their future fortunes, and the success of their undertakings.

⁵⁹ Girald. Cambrenf. Itin. Camb. l. i. c. 12. p. 853.

John of Salisbury enumerates no fewer than thirteen different kinds of diviners or fortune-tellers, who pretended to foretell future events; some by one means, and some by another⁶⁰. Nor did this passion for penetrating into futurity prevail only among the common people, but also among persons of the highest rank and greatest learning. All our kings, and many of our earls and great barons, had their astrologers, who resided in their families, and were consulted by them in all undertakings of importance⁶¹. We find Peter of Blois, who was one of the most learned men of the age in which he flourished, writing an account of his dreams to his friend the bishop of Bath, and telling him how anxious he had been about the interpretation of them; and that he had employed for that purpose *divination by the psalter*⁶². The English, it seems probable, had still more superstitious curiosity, and paid greater attention to dreams and omens, than the Normans. For when William Rufus was dissuaded from going abroad on the morning of that day on which he was killed, because the abbot of Gloucester had dreamed something which portended danger, he is said to have made this reply,—“Do you “imagine that I am an Englishman, to be “frighted by a dream, or the sneezing of an “old woman?” But the truth is, that ex-

⁶⁰ J. Sarisburiens. de Nugis Curialium, l. i. c. 12. p. 36.

⁶¹ See chap. 6. p. 109.

⁶² P. Blisenf. Ep. 30. p. 51.

⁶³ Orderic. Vital. p. 782.

cessive credulity and curiosity were the weaknesses of the times, rather than of any particular nation.

If we give entire credit to the furious declamations of some of our historians, and other writers in this period, against the vices of their countrymen, we should be constrained to believe, that the Anglo-Normans were a most profligate, vicious, and abandoned people. But such declamations of recluse and melancholy men have abounded in every age, and are always to be read with some degree of caution and distrust. We have, however, the fullest evidence, that violations of the laws of humanity, chastity, and justice, prevailed so much amongst that people in this period, that they may justly be called their national vices.

Though the Normans were a brave and generous, they were also a haughty, passionate, and fierce people, and their fierceness sometimes degenerated into cruelty. "When it pleased God (says one of our ancient historians) to bring destruction upon the English, he employed the Normans to execute his vengeance, because he knew that they delighted more in blood and slaughter than any other nation." Nothing could be more deplorable than the devastations of William the Conqueror, in his expedition into Northumberland, A. D. 1070. He set out on that expedition, with a declared

⁶ Hen. Huntingdon, p. 222.

intention to destroy the whole country with fire and sword, and exterminate all its inhabitants, men, women, and children; and he executed that barbarous intention with a savage persevering cruelty, of which there are not many examples in the history of mankind⁶⁵. The description given by the author of the Saxon Chronicle of the cruelties exercised in the reign of king Stephen, by the great barons and lords of castles, who were all Normans, affords a still stronger proof of the excesses of which they were capable, when their passions were inflamed: "They grievously oppressed the poor people with building castles; and when they were built, they filled them with wicked men, or rather devils, who seized both men and women who they imagined had any money, threw them into prison, and put them to more cruel tortures than the martyrs ever endured. They suffocated some in mud, and suspended others by the feet, or the head, or the thumbs; kindling fires below them. They squeezed the heads of some with knotted cords, till they pierced their brains, while they threw others into dungeons swarming with serpents, snakes, and toads⁶⁶." But it would be cruel to put the reader to the pain of perusing the remainder of this description.

Their violations of chastity.

The great prosperity of the Normans in England, seems to have contributed not a little to

⁶⁵ See vol. 5. p. 20.

⁶⁶ Chron. Saxon. p. 238.

inflame

inflame their passions and corrupt their manners. This is directly asserted by one of our ancient historians, in a passage already quoted in this chapter⁶⁷. Their great power and prosperity, in particular, appears to have rendered them regardless of that respect and decency with which the fair sex was commonly treated in those times, and made them wanton and licentious in their behaviour to the wives and daughters of the English. This licentiousness was so great, that the princess Matilda, daughter of Malcolm Canmore, king of Scotland, and afterwards queen of Henry I. being educated in England, was obliged to wear the veil of a nun, to preserve her honour from being violated by the Normans. The princess herself affirmed, before a great council of the clergy of England, that this was the only reason of her having worn the veil: and the council admitted the validity of her plea, in these remarkable words:—"When the great
" king, William conquered this land, many of
" his followers, elated by so great a victory, and
" thinking that every thing ought to be subservient to their will and pleasure, not only seized
" the possessions of the conquered, but invaded
" the honour of their matrons and virgins, with
" the most unbridled wantonness, whenever they
" had an opportunity. This obliged many
" young ladies, who dreaded their violence, to
" take shelter in nunneries, and to put on the veil,

⁶⁷ See p. 317.

“ to preserve their honour ⁶⁸.” When this dissolution of manners was introduced, it was not easily corrected, but continued through the whole of this period, though direct violence was restrained. It would be highly improper to stain the pages of history with proofs and examples on this subject, which might easily be produced. Of the licentiousness of manners in this respect, it will probably be thought sufficient evidence that public stews were established by law in London, and probably in other cities, in this period; and that the ladies of pleasure who followed the camps and courts of the kings of England in all their motions, were formed into regular incorporations, and put under the government of officers, who were called *the marshals of the whores* ⁶⁹. These officers, both in the camp and court, had estates annexed unto them, and were hereditary.

Unnatural
crime.

Several of our historians, and other writers in this period, reproach the Normans in the severest terms for introducing and practising an unnatural crime, which is too detestable to be named. To support the truth of this assertion, a few of these reproaches, in the original language, may be seen below ⁷⁰.

That

⁶⁸ Eadmeri Hist. l. 3. p. 57.

⁶⁹ Stow's Survey of London, vol. 2. p. 7. Blount's Fragmenta Antiquitatis, p. 8. 80. 82. 85. 116.

⁷⁰ Nefandissimum Sodomæ scelus (ut illicita confanguineorum connubia, et alia multa rerum detestandarum facinorosa negotia taceam), scelus inquam Sodomæ, noviter in hac terra divulgatum.

That prosperity which plunged the Normans into these licentious courses, prompted them to various acts of tyranny and oppression, and emboldened them to invade the rights and injure the persons of others, especially of the unhappy English. Some of the tyrannical despotic actions of the sovereigns who reigned in this period, have been occasionally mentioned, to which many more of the same kind might easily be added". But the sovereigns were not the only tyrants in the times we are now delineating. Many earls, barons, sheriffs, foresters, and judges, were petty despots in their several districts. One of our ancient historians describes the state of England, at the death of William the Conqueror, in this manner: "The Normans had now fully executed the wrath of Heaven on the English. For there was hardly one of that nation who possessed any power, but they were all involved in servitude and sorrow, in so much that to be called an Englishman, was a reproach.—In those miserable times, many oppressive taxes and tyrannical customs were introduced. The

jam plurimum pullulavit, multosque suo immanitate fœdavit. Eadmeri Hist. l. 1. p. 24.

Nefandum egitur illud et enorme nimis Normannorum crimen, quod olim a Francis mutuati, nunc sibi velut proprium viadicant. *Anglia Sacra, tom. 2. p. 406.*

Sed quid filias et uxores (quod licet jura prohibeant, tamen quocunque modo natura permittit) exponi queror aut prostitui? In ipsam naturam, quasi gigantes alii, Theomachiam novam exercentes insurgunt. Filios offerunt Veneri, &c. *J. Sarisburiens. l. 3. p. 195.*

⁷¹ See p. 79, 80.

“ king himself, when he had let his lands at their
“ full value, if another tenant came and offered
“ more, and afterwards another, and offered
“ still more, violated all his former pactions,
“ and gave them to him who offered most. The
“ great men were inflamed with such a violent
“ rage for money, that they cared not by what
“ means it was acquired. The more they talked
“ of justice, the more injuriously they acted.
“ These who were called justiciaries, were the
“ fountains of all iniquity. Sheriffs and judges,
“ whose duty it was to pronounce righteous
“ judgments, were the most cruel of all tyrants,
“ and greater plunderers than common thieves
“ and robbers ⁷².” The truth is, that the castles
of some of the great barons were no better than
dens of thieves and robbers, who extorted money
from the unfortunate people who fell into their
hands, by the most cruel methods ⁷³. The
woods also were haunted by troops of banditti,
who were so terrible to the inhabitants of the
surrounding countries, that they had a form of
prayer against robbers, which they said every
evening when they shut their doors and win-
dows ⁷⁴. In a word, there is the fullest evidence,
that in this period, both the lives and properties
of the people of England were exposed to many
injuries and dangers from several different
quarters.

⁷² Hen. Hunt. l. 8. p. 212.

⁷³ See p. 345, 346. W. Malmf. l. 2. p. 105.

⁷⁴ M. Paris. Vit. Abbat. p. 29. col. 1.

The inhabitants of Wales, and of the far L
greatest part of Scotland, still continued to speak
the languages of their ancestors, the ancient
Britons and Caledonians; an account of which
hath been already given⁷⁵. As the people of
England consisted of two different nations, the
Normans and Anglo-Saxons, they spoke, for a
considerable time at least, two different lan-
guages, the Norman-French and the Saxon.
The observations which have been made on the
former of these languages, commonly called *the*
Romance tongue, in the fourth and fifth chapters of
this book, together with the specimens which have
been given of it in the last of these chapters, will,
it is hoped, be thought sufficient to give a tole-
rable view of its origin and structure, and prevent
the necessity of saying any thing further upon it
in this place⁷⁶. A still more extended descrip-
tion of the Saxon tongue hath been given in the
seventh chapter of the fourth volume, to which
the reader is referred⁷⁷. In spite of all the
efforts that were made by the Norman con-
querors to abolish this language, and introduce
their own in its room, it still continued to be
the vulgar tongue of the great body of the people
of England through the whole of this period,
with such slight and gradual changes as time and
other circumstances are apt to make in all living

⁷⁵ See vol. 2. p. 336, &c. Appendix, N^o 10. p. 486.

⁷⁶ See chap. 4. p. 89. chap. 5. p. 228.

⁷⁷ See vol. 4. p. 362—373.

languages.

languages. These changes appear to have been very slow, and almost imperceptible, in the course of a whole century after the conquest. Of this we may be convinced, by comparing the charter of king Harold ⁷⁸, written a little after the middle of the eleventh century, with the last paragraph of the Saxon Chronicle, written a little after the middle of the twelfth century. To enable us to make this comparison, that paragraph, with a literal translation interlined, is here subjoined :

Specimen
of the
Saxon of
this pe-
riod.

An. MCLIV. On this yær wærd the king
A. D. 1154. In this year was the king

*Stephen ded; and bebyried there his wif and
Stephen dead; and buried where his wife and*

*his sunne wæron bebyried æt Tauresfeld. That
his son were buried at Touresfield. That*

*minstre hi makiden. Tha the king was ded,
minster he made. When the king was dead,*

*tha was the eorl beionde sæ. And ne durste
then was the earl beyond sea. And not durst*

*nan man don other, bute god for the micel ⁷⁹
no man do other, but good for the great*

⁷⁸ See vol. 4. p. 371—373.

⁷⁹ This word is still used in Scotland in the same sense.

ie of him. Tha he to Engleland come, tha
awe of him. When he to England came, then

was he under-fangeh mid micel wartscipe; and
was he received with great worship; and

to king bletcæd in Lundinē, on the
to be king consecrated in London, on the

Sunnen dæi beforen mid-winter-dæi.

Sunday before mid-winter-day.

From the above specimen it appears, that the chief difference between the Saxon that was spoken in England at the conquest, and that which was spoken a century after, consisted in this, that the latter approached a little nearer to modern English than the former, and differed from it rather in the disposition and spelling of the words, than in the words themselves. For in this specimen there are not above three or four words that are absolutely unintelligible to an English reader. This fragment also affords a further evidence of a very curious fact, which might be proved by many other arguments,—that the enmity between the Normans and Anglo-Saxons continued very long, and that they mingled as little as possible in conversation during the first century after the conquest. For, in the above specimen, there is not so much as one word derived from the language of the Normans. By slow degrees, however, this enmity abated, and the two nations began to converse

more familiarly together; which naturally produced this effect, that the language of the great majority of the people became the prevailing and vulgar tongue of the whole, but mixed with a tincture of the language of the minority. The steps by which this effect was produced will be traced in the next period of this work.

Dress.

The people of Normandy and Flanders, of which great numbers followed the Conqueror into England, were remarkable for the beauty and elegance of their persons³⁰. They were also very ostentatious and fond of pomp. These two things prompted them to pay great attention to their dress; of which it is proper to give a very brief description³¹.

Long curled hair.

There was hardly any thing against which the clergy in this period declaimed with greater vehemence, than the long curled hair of the laity, especially of the courtiers³². Deprived of this ornament themselves, by their clerical tonsure, they endeavoured to deter others from enjoying it, by representing it as one of the greatest crimes, and most certain marks of reprobation. Anselm archbishop of Canterbury even pronounced the then terrible sentence of excommunication against all who wore long hair, for which pious zeal he is very much commended³³. Serlo, a Norman bishop, acquired great honour

³⁰ W. Malmf. l. 5. p. 98. col. 1. ³² Hen. Hupt. p. 222. col. 1.

³¹ Eadmeri Hist. p. 23. Orderic. Vital. p. 682.

³³ Eadmer. p. 51.

by a sermon which he preached before Henry I, A. D. 1104, against long and curled hair, with which the king and all his courtiers were so much affected, that they consented to resign their flowing ringlets, of which they had been so vain. The prudent prelate gave them no time to change their minds, but immediately pulled a pair of shears out of his sleeve, and performed the operation with his own hand²⁴. Another incident happened about twenty-five years after; which gave a temporary check to the prevailing fondness for long hair: it is thus related by a contemporary historian: "An event happened, " A. D. 1129, which seemed very wonderful " to our young gallants; who, forgetting that " they were men, had transformed themselves " into women by the length of their hair. A " certain knight, who was very proud of his " long luxuriant hair, dreamed that a person suf- " fered him with its curls. As soon as he " awoke from his sleep, he cut his hair to a " decent length. The report of this spread " over all England, and almost all the knights " reduced their hair to the proper standard. But " this reformation was not of long continuance. " For in less than a year all who wished to appear " fashionable, returned to their former wicked- " ness, and contended with the ladies in length " of hair. Those to whom nature had denied " that ornament, supplied the defect by art²⁵."

²⁴ Orderic. Vital. p. 816.

²⁵ W. Malmf. Hist. Novel. l. 1. p. 99. col. 2.

Shaved
their
beards.

The Normans had as great an aversion to beards, as they had a fondness for long hair. Among them, to allow the beard to grow, was an indication of the deepest distress and misery⁸⁶. They not only shaved their beards themselves, but when they had authority, they obliged others to imitate their example. It is mentioned by some of our ancient historians, as one of the most wanton acts of tyranny in William the Conqueror,—that he compelled the English (who had been accustomed to allow the hair of their upper lips to grow) to shave their whole beards⁸⁷. This was so disagreeable to some of that people, that they chose rather to abandon their country than resign their whiskers⁸⁸.

Vest-
ments.

The vestments of the Normans at the conquest, and for some time after, were simple, convenient, and even graceful; but before the end of this period they degenerated not a little from their simplicity, and became fantastical enough in some particulars. Those of the men were—caps or bonnets for the head,—shirts, doublets, and cloaks, for the trunk of the body,—and breeches, hose, and shoes, for the thighs, legs, and feet. It may be proper to take a little notice of what was most remarkable in each of these.

Their
caps and
bonnets.

The caps or bonnets of the Anglo-Normans were made of cloth, or furs. They were of various shapes and colours, and differently orna-

⁸⁶ Orderic. Vital. p. 847.

⁸⁸ Id. *ibid.* p. 30.

⁸⁷ M. Paris, Vit. Abbat. p. 29.

mented,

mented, according to the taste, rank, and circumstances of the wearers. The Jews were obliged to wear square caps of a yellow colour, to distinguish them from other people⁸⁹. The bonnets of kings, earls, and barons, especially those which they used at public solemnities, were of the finest cloths, or richest furs, and adorned with pearls and precious stones⁹⁰.

The shirts of all persons of rank and fortune, and even of the great body of the people, were of linen; which was now become so common, that it was no longer taken notice of by our writers as a singularity. As this part of dress is not much seen, it hath not been much affected by the tyranny of caprice and fashion. Their shirts.

Doublets or circoats were worn next the shirt, and made to fit the shape of the body. This vestment appears to have been used shorter or longer, at different times, and even at the same time, by persons of different ranks. For while the circoats of kings, and persons of quality, reached almost to their feet, those of the common people reached no lower than the middle of the thigh, that they might not incommode them in labouring⁹¹. The sleeves of these doublets reached to the wrists. They were put on, over the head, like a shirt, and made fast about the Their doublets.

⁸⁹ Du Cange Gloss. tom. 8. p. 483.

⁹⁰ See Mr. Strutt's View of the Manners, Customs, &c. vol. 1. plates 42. 44. 49.

⁹¹ Id. ibid. vol. 1. plates 8, 9, 10, 11, 12, 13.

waist with a belt or girdle. The girdles of kings were commonly embroidered with gold, and set with precious stones⁹².

Mantles.

The cloak or mantle was one of the chief vestments of the Anglo-Normans. The mantles worn by kings, and other great persons, were very valuable, being made of the finest cloths, embroidered with gold or silver, and lined with the most costly furs. Robert Bloet, the second bishop of Lincoln, made a present to Henry I. of a cloak of exquisitely fine cloth, lined with black fables, with white spots, which cost £ 100 of the money of those times, equal in efficacy to £ 1500 of our money at present⁹³. The cloak of Richard I. was still more splendid, and probably more expensive. It is thus described by his historian: "The king wore a cloak, striped
" in straight lines, adorned with half-moons of
" solid silver, and almost covered with shining
" orbs, in imitation of the system of the hea-
" venly bodies⁹⁴." The fashion of their cloaks changed oftener than once in this period, particularly as to their length. Henry II. introduced the short cloak of Anjou, from which he got the surname of *Court-Mantle*⁹⁵. At another time the fashion was in the other extreme. "In our days
" (says Ordericus Vitalis) they sweep the ground
" with their long cloaks and gowns, whose long

⁹² See Mr. Strutt's View of the Manners, Customs, &c. vol. 2. p. 16.

⁹³ Anglia Sacra, tom. 2. p. 417.

⁹⁴ Vnivers. Iter. Hierosolymit. l. 2. c. 36. p. 323.

⁹⁵ J. Brompt. col. 1150.

" and

“ and wide sleeves cover their hands, so that
 “ they can neither walk nor act with free-
 “ dom ⁹⁶.”

Kings, earls, and great barons, used a garment in this period, called, in Latin, *rheno*, for which I do not know an English name. It was made of the finest furs; covered the neck, breast, and shoulders; and was equally comfortable and ornamental ⁹⁷. Rhenos.

It is unnecessary to detain the reader with a description of the breeches and stockings of the Anglo-Normans. They were both of cloth, of different colours, and different degrees of fineness, according to the different fancies and circumstances of the wearers. William Rufus disdained to wear a pair of stockings which cost less than a mark, equivalent to about ten pounds of our money at present ⁹⁸. Breeches and stockings.

The shoes of the Normans, when they settled in England, seem to have had nothing remarkable in their make. But before the end of this period, a very ridiculous and inconvenient fashion of shoes was introduced. This fashion made its first appearance in the reign of William Rufus; and was introduced by one Robert, surnamed *the Horned*, from the fashion of his shoes. He was a great beau in the court of that prince, and used shoes with long sharp points, stuffed with Shoes.

⁹⁶ Orderic. Vital. p. 682.

⁹⁷ Id. p. 535. Du Cange Gloss. voc. *Rheno*.

⁹⁸ W. Malmf. p. 69.

tow, and twisted like a ram's horn⁹⁹. This ridiculous fashion, says the historian, was admired as a happy invention, and adopted by almost all the nobility¹⁰⁰. The clergy were offended at this fashion, and declaimed against these long-pointed shoes with great vehemence; but to no purpose. For the length of these points continued to increase through the whole of this period, and the greatest part of the next; when we shall find them arrived at a degree of extravagance which is hardly credible.

Women's
drels.

The two sexes did not differ very much from each other in their dress, in the present period. The inner garments of women were more large and flowing in the under part, than those of men, and reached to the ground. Their mantles had commonly hoods annexed to them, which sometimes hung down behind as an ornament, and at other times covered their heads. The girdles of princeesses and ladies of quality were richly ornamented with gold, pearls, and precious stones, and at their girdles they had a large purse or pouch suspended. Both their inner garments and their mantles of state were embroidered with various figures, and lined with furs. They wore collars of pearls or precious stones about their necks, and rings of great value on their fingers. The above description is chiefly taken from the prints of Eleanor, queen of Henry II. Beren-

⁹⁹ W. Malmf. p. 69. col. 2. Orderic. Vital. p. 681.

¹⁰⁰ Id. *ibid*.

garia, queen of Richard I. and Elizabeth, queen of king John, in the work quoted below ¹⁰¹.

The Anglo-Normans are said to have been Diet. more delicate in the choice and dressing of their victuals than the Anglo-Saxons ¹⁰². It may appear fanciful to suggest, that the art of cookery was improved by the introduction of feudal tenures, and yet this suggestion is very probable. For after these tenures were introduced, the office of cook, in great families, became hereditary, and had an estate annexed unto it; which naturally engaged fathers to instruct their sons with care, in the knowledge of an art to which they were destined by their birth ¹⁰³. We even meet with estates held by the tenure of dressing one particular dish of meat ¹⁰⁴.

The Anglo-Normans had only two stated meals a day, which were dinner and supper. By the famous laws of Oleron, those sailors who were allowed strong drink of any kind at the ship's expence, were to have only one meal a day from the kitchen; but the Norman sailors were to have two meals a day, because they had only water at the ship's allowance ¹⁰⁵. Robert earl of Millent, the prime minister and great favourite of Henry I. laboured earnestly, both by his example and exhortations, to persuade the nobility

Only two
meals a
day..

¹⁰¹ Les monumens de la Monarchie Française, par Montfaucon, tom. 2. plate 15. p. 114.

¹⁰² W. Malmf. p. 57. col. 2.

¹⁰³ Fleta, l. 2. c. 75.

¹⁰⁴ Blount's Fragmenta Antiquitatis, p. 1.

¹⁰⁵ Godolphin's View of the Admiral Jurisdiction, p. 177.

of

of England to have only one formal stated meal a day in their families¹⁰⁶. Henry of Huntington complains very feelingly, that this parsimonious custom prevailed too much in his time; and that many great men had only one meal a day in their houses, which he imagined proceeded from their avarice rather than from their love of temperance, as they pretended¹⁰⁷. This stated meal, where there was only one, was an early and plentiful supper; but the most common custom was to have two meals, a dinner and a supper.

The times
of dinner
and sup-
per.

The time of dinner, in this period, even at court, and in the families of the greatest barons, was at nine in the forenoon, and the time of supper at five in the afternoon. These times were very convenient for dispatching the most important business of the day, without interruption; as the one was before it begun, and the other after it was ended. They were also thought to be friendly to health and long life, according to the following verses, which were then often repeated :

Lever a cinq, dinner a neuf,
Souper a cinq, coucher a neuf,
Fait vivre d'ans nonante et neuf¹⁰⁸.

To rise at five, to dine at nine,
To sup at five, to bed at nine,
Makes a man live to ninety-nine.

¹⁰⁶ W. Malmf. p. 90. col. 2.

¹⁰⁷ Hen. Hunt. l. 6. p. 209.

¹⁰⁸ Recreations Historiques, tom. 1. p. 170.

Their provisions.

At dinner and supper, but especially at the last, the tables of princes, prelates, and great barons, were plentifully furnished with many dishes of meat, dressed in several different ways. William the Conqueror, after he was peaceably settled on the throne of England, sent agents into different countries, to collect the most admired and rare dishes for his table; by which means, says John of Salisbury, this island, which is naturally productive of plenty and variety of provisions, was overflowed with every thing that could inflame a luxurious appetite¹⁰⁹. The same writer tells us, that he was present at an entertainment which lasted from three o'clock in the afternoon to midnight; at which delicacies were served up, which had been brought from Constantinople, Babylon, Alexandria, Palestine, Tripoli, Syria, and Phenicia¹¹⁰. These delicacies we may presume were very expensive. Thomas Becket, if we may believe his historian Fitz-Stephen, gave five pounds, equivalent to seventy-five pounds at present, for one dish of eels¹¹¹. The sumptuous entertainments which the kings of England, and of other countries, gave to their nobles and prelates, at the festivals of Christmas, Easter, and Whitsuntide, in which they spent a great part of their revenues, contributed very much to diffuse a taste for profuse and expensive banquetting. It was natural for a proud

¹⁰⁹ J. Sarisburien. p. 553.

¹¹⁰ Id., p. 555.

¹¹¹ W. Stephani. Vita S. Thomæ, p. 41.

and

and wealthy baron to imitate, in his own castle, the entertainments he had seen in the palace of his prince. Many of the clergy too, both seculars and regulars, being very rich, kept excellent tables. The monks of St. Swithins, at Winchester, made a formal complaint to Henry II. against their abbot, for taking away three of the thirteen dishes they used to have every day at dinner¹¹². The monks of Canterbury were still more luxurious: for they had at least seventeen dishes every day, besides a dessert; and these dishes were dressed with spiceries and sauces, which excited the appetite as well as pleased the taste¹¹³.

Dishes
now un-
known.

Great men had some kinds of provisions at their tables, that are not now to be found in Britain. When Henry II. entertained his own court, the great officers of his army, with all the kings and great men of Ireland, in Dublin, at the feast of Christmas, A. D. 1171, the Irish princes and chieftains were quite astonished at the profusion and variety of provisions which they beheld, and were with difficulty prevailed upon by Henry to eat the flesh of cranes, a kind of food to which they had not been accustomed¹¹⁴. In the remaining monuments of this period, we meet with the names of several dishes, as *dellegrout*, *maupigyrnun*, *karumpie*,

¹¹² Giraldus Cambrensis. de Rebus a se gestis, l. 2. c. 5.

¹¹³ Id. ibid.

¹¹⁴ Girald. Cambrensis. Expugnatio Hiberniæ, l. 1. c. 32.

&c. the composition of which, I imagine, is now unknown¹¹⁵.

The people of Britain, especially persons of rank and fortune, had several kinds of bread in this period. That which is called in Latin *panis piperatus*, was made of the finest flour mixed with spices, and is sometimes mentioned by our ancient historians¹¹⁶. Simnel and wassel cakes were made also of the finest flour, and were seldom seen, except at the tables of kings, prelates, barons, or monks. When the king of Scotland resided in the court of England, he was, by charter, allowed twelve of the king's wassel cakes, and twelve of his simnel cakes, every day for his table¹¹⁷. But the most common bread used by persons in comfortable circumstances, was made of the whole flour, coarse and fine, the price of which was very early settled by law, in proportion to the price of wheat¹¹⁸. The common people had bread made of the meal of rye, barley, or oats¹¹⁹.

Their bread.

Persons of high rank and great fortunes had variety of liquors, as well as of meats. For besides wines of various kinds, they had pigment, morat, mead, hypocras, claret, cyder, perry, and ale. Some of these liquors, as pigment and morat, have been already described;

Their drinks.

¹¹⁵ *Fragmenta Antiquitatis*, p. 1. M. Paris, Vite Abbatis, p. 32. col. 2.

¹¹⁶ *Gervas Chron.*, col. 1520.

¹¹⁷ *Rymeri Fœdera*, tom. 1. p. 87. ¹¹⁸ M. Paris, p. 215.

¹¹⁹ *Spelmanii Gloss.* p. 467. col. 2.

and

and others of them, as mead, cyder, perry, and ale, are so well known, that they need no description¹²⁰. The claret of those times was wine clarified, and mixed with spices; and hypocras was wine mixed with honey. The curious reader may find directions for making both these liquors in the work quoted below¹²¹.

Diversions. As the Anglo-Norman nobles were neither men of business nor men of letters, they had much leisure, and spent much time in their diversions; which were either martial—rural—theatrical—or domestic.

Martial sports.

The martial sports of the middle ages, commonly called *tournaments*, were the favourite diversions of the princes, barons, and knights of those times. They had indeed the most powerful motives to be fond of these diversions. For it was at tournaments that princes, earls, and wealthy barons, appeared in the greatest pomp and splendour. Tournaments were the best schools for acquiring dexterity and skill in arms, and the most public theatres for displaying these accomplishments, and thereby gaining the favour of the fair and the admiration of the world¹²².

Origin of tournaments.

Tedious investigations of the origin of these martial sports, are neither suited to the nature of general history, nor the limits of this work. It

¹²⁰ See vol. 4. p. 395.

¹²¹ Du Cange Gloss. tom. 2. p. 66.

¹²² Du Cange Gloss. voc. *Torneamentum*. *Memoires sur Chevalerie*, tom. 1. p. 27. 88, 100, 152, 211, 263. tom. 2. p. 23, 75, &c.

is sufficient to take notice, that they began to be more famous and better regulated in France and Normandy, a little before the conquest, than they had been in former times. Geoffrey de Pruilli, who was killed A. D. 1066, contributed so much to this, that he is represented by several authors as the inventor of tournaments¹²³. That these military sports were introduced into Britain by the Normans, is highly probable. But they do not seem to have prevailed very much in England for a considerable time after the conquest, having been discouraged, on account of the great danger and ruinous expence with which they were attended. “ After this truce (says “ William of Newborough) between the kings “ of France and England, A. D. 1194, the mi- “ litary sports and exercises which are com- “ monly called tournaments, began to be cele- “ brated in England by the permission of king “ Richard, who imposed a certain tax on all who “ engaged in these diversions. But this royal “ exaction did not in the least abate the ardour “ with which the youth of England crowded to “ these exercises. Such conflicts in which the “ combatants engaged without any animosity, “ merely to display their dexterity and strength, “ had not been frequent in England, except in “ the reign of king Stephen, when the reins of “ government were much relaxed. For in the “ times of former kings, and also of Henry II.

¹²³ Chron. Touronem. A. D. 1066,

“ who

“ who succeeded Stephen, tournaments were
 “ prohibited; and those who desired to acquire
 “ glory in such conflicts, were obliged to go
 “ into foreign countries. King Richard, there-
 “ fore, observing that the French were more
 “ expert and dexterous in the use of their arms
 “ in battle, because they frequented tournaments,
 “ permitted his own knights to celebrate such
 “ martial sports, within his own territories, that
 “ they might no longer be insulted by the
 “ French²⁴.” The reader will find a transla-
 tion of this edict of king Richard in the Ap-
 pendix, N° 4.

Descrip-
 tion of
 tourna-
 ments.

The most splendid tournaments were cele-
 brated by sovereign princes of a martial cha-
 racter, at their coronations, marriages, victories,
 or on other great occasions. When a prince had
 resolved to hold a tournament, he sent heralds to
 the neighbouring courts and countries to publish
 his design, and to invite all brave and loyal
 knights to honour the intended solemnity with
 their presence. This invitation was accepted
 with the greatest joy; and at the time and place
 appointed, prodigious numbers of persons of
 high rank, and of both sexes, commonly as-
 sembled. Judges were chosen from among the
 most noble and honourable knights, who were
 invested with authority to regulate all prelimi-
 naries and determine all disputes. Some days
 before the beginning of the tournament, all the

²⁴ W. Neubrigen. l. 5. c. 4.

knights who proposed to enter the lists, hung up their shields in the cloister of a neighbouring monastery, where they were viewed by the ladies and knights. If a lady touched one of the shields, it was considered as an accusation of its owner, who was immediately brought before the judges of the tournament, tried with great solemnity, and if found guilty of having defamed a lady, or of having done any thing unbecoming the character of a true and courteous knight, he was degraded, and expelled the assembly with every mark of infamy. The lists were effectually secured from the intrusion of the spectators, and surrounded with lofty towers and scaffolds of wood, in which the princes and princesses, ladies, lords, and knights, with the judges, marshals, heralds, and minstrels, were seated in their proper places, in their richest dresses. The combatants, nobly mounted, and completely armed, were conducted into the lists by their respective mistresses, in whose honour they were to fight, with bands of martial music, amidst the acclamations of the numerous spectators. It would be tedious to describe all the different kinds of combats that were performed at a royal tournament, which continued several days. It is sufficient to take notice, that representations were exhibited of all the different parts of actual war, from a single combat to a general action, with all the different kinds of arms, as spears, swords, battle-axes, and daggers. At the conclusion of every day's tournament, the judges

VOL. VI. B b declared

declared the victors, and distributed the prizes, which were presented to the happy knights by the greatest and most beautiful ladies in the assembly. The victors were then conducted in triumph to the palace; their armour was taken off by the ladies of the court; they were dressed in the richest robes, seated at the table of the sovereign, and treated with every possible mark of distinction. Besides all this, their exploits were inserted in a register, and celebrated by the poets and minstrels who attended these solemnities. In a word, the victors became the greatest favourites of the fair, and the objects of universal admiration. It is easy to imagine with what ardour young and martial nobles aspired to these honours, so flattering to the strongest passions of the bravest hearts. The most magnificent tournament celebrated in this period, was that proclaimed by the king of England, Henry II. A. D. 1174, in the plains of Beaucaire, at which no fewer than ten thousand knights, besides ladies and other spectators, are said to have been present¹²⁵.

Quintain,
&c.

No person under the rank of an esquire was permitted to enter the lists at tournaments; which gave occasion to similar sports among

¹²⁵ For the proofs of this description, and for a fuller account of the martial sports of the middle ages, the reader may consult—*Mémoires sur l'Ancienne Chevalerie*, par M. de Sainte Palaye.—*Mœurs de François*, par M. le Gendre.—*Du Cange Gloss. voc. Tournoiment*.—*Le P. Menestrier Traité sur la Chevalerie*.—*Honoré de St. Marie Dissertat. sur la Chevalerie*.

burgesses

burgesses and yeomen. Of this kind was the game called *the quintain*, which is thus described: A strong post was fixed in the ground, with a piece of wood, which turned on a spindle on the top of it. At one end of this piece of wood a bag of sand was suspended, and at the other end a board was nailed. Against this board they tilted with spears, which made the piece of wood turn quickly on the spindle, and the bag of sand strike the riders on the back with great force, if they did not make their escape by the swiftness of their horses¹²⁶. Of this kind also was the sport on the Thames, which is thus described by Fitz-Stephen: "A shield is nailed to a pole fixed in the midst of the river. A boat is driven with violence by many oars and the stream of the river. On the prow of the boat stands a young man, who, in passing, tilts against the shield with a spear. If the spear breaks and he keeps his station, he gains the prize; but if the spear doth not break he is thrown into the river. To prevent his being drowned, a boat is moored on each side of the shield, filled with young men, who rescue him as soon as possible. The bridge, wharfs, and houses, are crowded with spectators ready to break out into loud bursts of laughter¹²⁷." The youth in towns and villages diverted themselves on holidays with running, leaping, wrest-

¹²⁶ Stow's Survey of London, vol. 1. p. 249. Kennet's Parochial Antiquities, p. 19.

¹²⁷ W. Stephaned. Descript. Lond. p. 8.

declared the victors
which were preferred
greatest and most
The victors were
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richest
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victor

arts, and shoes
were useful
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rather than manly
for

most the youth diverted themselves
ways upon the ice, particularly by
ing with the shank-bones of sheep tied under
their shoes, and at the same time tilting against
each other with pointless spears¹³⁰.

Hunting
and hawk-
ing.

It is hardly possible for the keenest sportsman
of the present age to form any idea of the ex-
cessive fondness of the Anglo-Norman kings and
nobles, for the rural diversions of hunting and
hawking. In these they spent the greatest part
of their time and of their revenues; and to
their fondness for them they too often sacrificed
their interest, their honour, and their humanity.
“In our times (says John of Salisbury) hunting,
“and hawking are esteemed the most honourable,
“employments, and most excellent virtues, by
“our nobility: to spend their whole time in
“these diversions, they think is the supreme
“felicity of life.—They prepare for these
“sports with more anxiety, expence, and bustle,

¹²⁸ W. Stephaned. Descript. Lond. p. 8.

¹²⁹ Id. *ibid.*,

¹³⁰ Id. *ibid.*

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“ one of these great and merciless hun-
 “ by your habitation, bring out quickly all
 “ refreshments you have in your house, or you
 “ can buy or borrow from your neighbours, that
 “ you may not be involved in ruin, or even
 “ accused of treason.” It would be easy to
 produce many other proofs of the fondness, or
 rather rage, of the Anglo-Norman kings and
 nobles of this period for the sports of the field;
 but this seems to be as unnecessary, as it is to
 describe these diversions, which are so well
 understood. So general was this rage for these
 rural sports, that both the clergy and the ladies
 were seized with it, and many of them spent
 much of their time in hunting and hawking.
 Walter bishop of Rochester, as we learn from a
 letter of Peter of Blois, was so fond of hunting,
 that when he was eighty years of age, it was the
 only employment of his life, to the total neglect

221 J. Sarisburiens. de Nugis Curialium, l. 1. c. 4.

B b 3

of

of the duties of his office¹³². The English ladies of this period applied so much to hawking, that they excelled the gentlemen in that art; which John of Salisbury, very unpolitely, produces as a proof, that hawking was a trifling and frivolous amusement¹³³.

Theatrical
entertain-
ments.

Though theatrical entertainments in Britain were so imperfect in this period, that they might, without much impropriety, have been omitted in this place; yet there is sufficient evidence that they were not unknown, or even uncommon. They were of two kinds, ecclesiastical and secular.

Ecclesiasti-
cal plays
called mi-
racles.

The ecclesiastical plays of this period were composed by the clergy, and acted by them and their scholars; and consisted of representations of events or actions recorded in the Scriptures, or in the lives of the saints. When Geoffrey, the sixteenth abbot of St. Albans, was a young man, and presided in the school of Dunstable, about A. D. 1110, "he composed (says Matthew Paris) a certain play of St. Katharine, of that kind which we commonly call miracles, and borrowed from the sacrist of St. Albans some of the sacred vestments of that abbey, to adorn the persons who acted his play¹³⁴." Peter of Blois congratulates his brother William, who was an abbot, on the fame he had acquired

¹³² P. Blesens. Ep. 56. p. 81.

¹³³ J. Sarisburiens. l. i. c. 4. p. 13, 14.

¹³⁴ M. Paris, Vit. Abbat. p. 35. col. 2.

by his tragedy of *Flaura and Marcus*, and by his other theological works ¹³⁵. “London (says Fitz-Stephen), for theatrical spectacles, hath religious plays, which are representations of the miracles which holy confessors had wrought, and of the sufferings by which martyrs had displayed their constancy ¹³⁶.”

The secular plays of this period seem to have been of a very different nature and tendency from the ecclesiastical. The clergy were prohibited from frequenting them, by the sixteenth canon of the fourth general council of Lateran, A. D. 1215 ¹³⁷. They seem indeed to have been very improper entertainments for the clergy. For, according to the descriptions given of them by contemporary writers, they appear to have consisted of comic tales or stories, intermixed with coarse jests, and accompanied, in the acting, with instrumental music, singing, dancing, gesticulations, mimicry, and other arts of raising laughter, without much regard to decency ¹³⁸. They were acted by companies of strollers, composed of minstrels, mimics, singers, dancers, wrestlers, and others, qualified for performing the several parts of the entertainment ¹³⁹. Such companies constantly followed the courts of the kings of England, and from time to time visited

¹³⁵ P. Blefens. Ep. 93. p. 145.

¹³⁶ W. Stephaned. Descript. Lond. p. 7.

¹³⁷ Du Pin, Eccles. Hist. cent. 13. c. 4. p. 98.

¹³⁸ J. Sarisburiens. l. 1. c. 8. p. 32, 33, 34.

¹³⁹ Id. ibid. p. 34.

the castles of earls and great barons, where they were well entertained and generously rewarded¹⁴⁰. The reader will perceive, from the quotation below, how little regard these ancient players paid to decency in their exhibitions, and how indelicate our ancestors were in their diversions¹⁴¹. I chuse rather to give this quotation in the original language than in a translation, for very obvious reasons.

Domestic
diversions.

A minute description of all the domestic diversions of the kings, nobles, and people of Britain, in this period, is not necessary, and would swell this article beyond its due proportion. The following very brief account of the two most admired and fashionable domestic games, those of chess and dice, will, it is hoped, be thought sufficient.

Chess and
dice.

The game of chess, and several games at dice, were much studied and practised by persons of rank and fortune in this period. Some knowledge of these games was so necessary to every gentleman, especially if he aspired to the honour of knighthood, that they were commonly made a

¹⁴⁰ J. Sarisburiens. l. 1. c. 8. p. 34. P. Blefenf. Ep. 14. p. 24 col. 2.

¹⁴¹ Hinc mimi, falli vel falliæ, balatrones, æmiliani, gladiatores palæstritæ, gignadii, præstigiatores, malefici quoque multi, et tot joculatorum scæna procedit. Quorum adeo error invaluit, ut a præclavis domibus non arceantur, etiam illi qui obscænis partibus corporis, oculis omnium eam ingerunt turpitudinem, quam erubescere vel Cynicus. Quodque magis mirere, nec tunc ejiciuntur quando tumultuantes inferius ciebro sonitu aerem sædant, & turget inclusum, turpius produnt. J. Sarisburiens. de Nugis Curialium l. 1. c. 8. p. 34.

part of his education¹⁴². Peter of Blois, in one of his letters to a friend, who had a very profligate young man under his care, ascribes the profligacy of the youth to the education he had received from his father, who being a great gamester, had taught his son to play at dice, when he was but a child: "For I do not wonder (says he), that he is a vicious young man, who in his childhood was taught to play at dice, which is the mother of perjury, theft, and sacrilege¹⁴³." "In our times (says another writer of this period) expertness in the art of hunting, dexterity in the damnable art of dice-playing, a mincing effeminate way of speaking, and great skill in dancing and music, are the most admired accomplishments of our nobility. In these arts, our young nobles imitate the examples, and improve by the instructions, of their fathers¹⁴⁴." Matthew Paris blames the English barons who had revolted from king John, for spending their time in London, in eating, drinking, and playing at dice, when they should have been in the field¹⁴⁵. Nor was this fondness for dice confined to the nobility; for we meet with some clergymen, and even bishops, who are said to have spent much of their time in these games¹⁴⁶. It appears also that the gamesters of this period were

¹⁴² *Memoires sur la Chevalerie*, par M. de St. Palaye, tom. i. p. 136.

¹⁴³ P. Blesens. Ep. 74. p. 111.

¹⁴⁴ J. Sarisburiens. l. i. c. 5. p. 25. ¹⁴⁵ M. Paris, p. 187. col. 1.

¹⁴⁶ Orderic. Vital. p. 550.

acquainted

acquainted with many different games at dice, of which a writer of those times gives us the Latin names of no fewer than ten¹⁴⁷. But I confess my incapacity to describe the games intended by these names.

Laws
against
gaming.

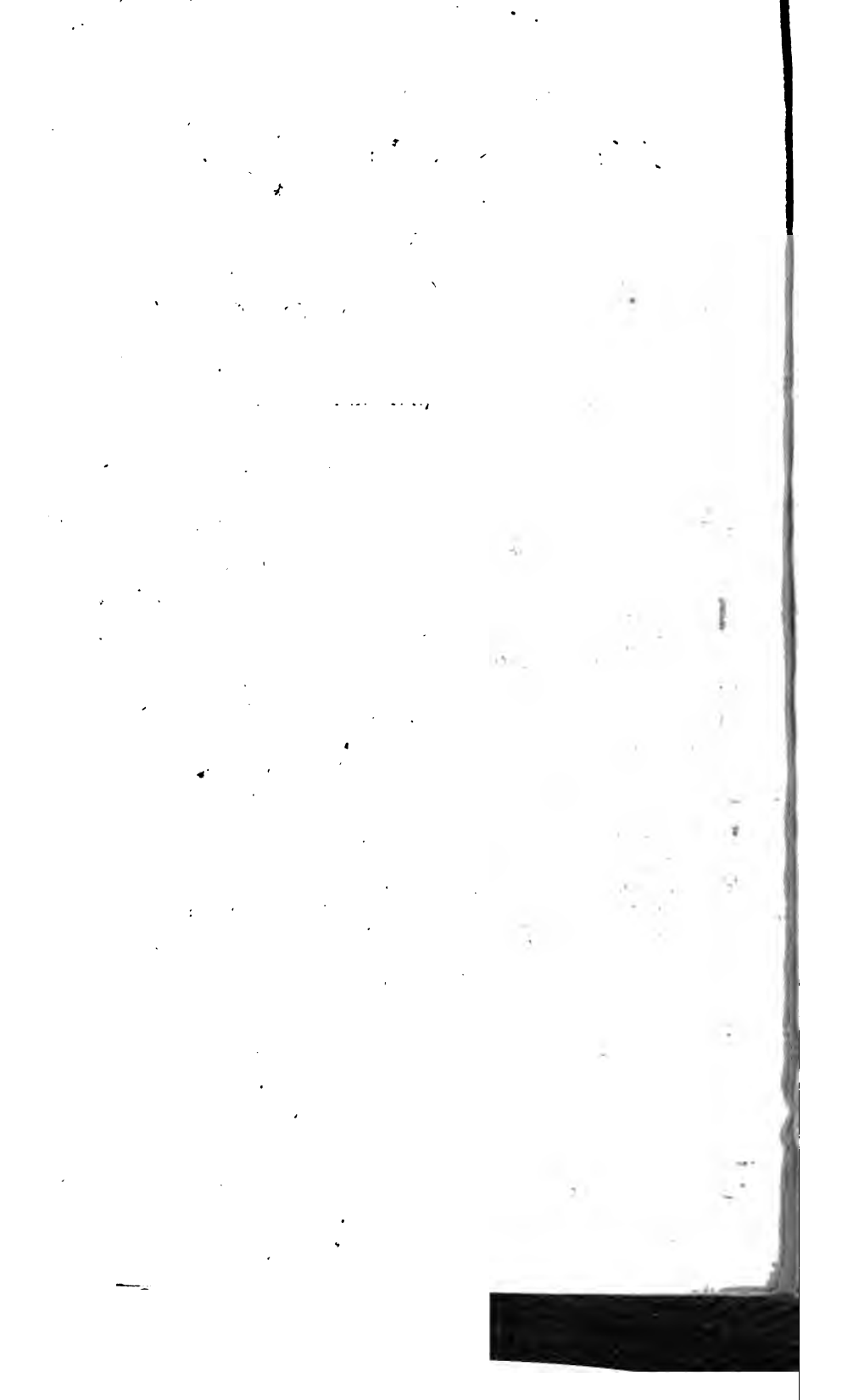
This too violent passion for games of chance was then (as it hath always been) attended with various inconveniencies, both to the gamesters themselves and to society. To the gamesters, —by dissipating their fortunes,—by consuming their most precious hours,—and by making them neglect their most important duties. To society, —by depriving it of the advantages it might have derived from a better application of the time and talents of many of its members. To prevent these inconveniencies, by laying this dangerous passion under some restraints, several canons and laws were made. A translation of one of these laws will form no improper conclusion to this article. This remarkable law was one of those promulgated by the united authority of Richard I. king of England, and Philip-Augustus king of France, with the advice and consent of their archbishops, bishops, earls, and barons, for the government of their forces, in their expedition to the Holy Land, A. D. 1190. It is the second in that system of laws, and is to this purpose: “ Besides, none in the whole army
“ shall play at any kind of game for money,
“ except knights and clerks; who shall not lose

¹⁴⁷ J. Sarisburiens. l. i. c. 5. p. 23.

“ above twenty shillings (equal in efficacy
“ about fifteen pounds of our money at presen
“ in one day and one night. But if any knig
“ or clerk shall lose more than twenty shilling
“ in one day, he shall pay one hundred shilling
“ (equivalent to about seventy-five pounds
“ our money) for every such offence, into th
“ hands of the above-named commissioners, wh
“ shall have the custody of that money ¹⁴⁸. B
“ the two kings shall be under no restriction
“ but may play for as much money as the
“ please. The servants who attend upon th
“ two kings at their head-quarters may play,
“ the extent of twenty shillings. But if an
“ other foldiers, servants, or sailors, shall b
“ found playing for money among themselve
“ they shall be punished in the following ma
“ ner, unless they can purchase a pardon fro
“ the commissioners, by paying what they sha
“ think proper to demand. Soldiers and se
“ vants shall be stripped naked, and whi
“ through the army three days. Sailors shall b
“ as often plunged from their ships into the se
“ according to the custom of mariners ¹⁴⁹.”

¹⁴⁸ These commissioners are named in the preceding law.

¹⁴⁹ J. Brompt. Chron. p. 1182. Benedict. Abbas, tom. 2. p. 61



APPENDIX

TO THE

THIRD BOOK.

NUMBER I.

Magna Carta Regis Johannis, xv die Junij
MCCXV, Anno Regni xvii.

JOHANNES Dei gratia rex Anglie dominus Hybernie
dux Normannie Aquitanie et comes Andegavie archie-
piscopis episcopis abbatibus comitibus baronibus justiciariis
forestariis vicecomitibus prepositis ministris et omnibus
ballivis et fidelibus suis salutem Sciatis nos intuitu Dei et
pro salute anime nostre et omnium antecessorum et here-
dum nostrorum ad honorem Dei et exaltationem sancte
ecclesie et emendationem regni nostri per consilium vene-
rabilium patrum nostrorum Stephani Cant' archiepiscopi
totius Anglie primatis et sancte Romane ecclesie cardinalis
Henrici Dublin' archiepiscopi Willielmi London' Petri
Winton' Joscelini Bathon' et Glaston' Hugonis Lin-
coln' Walteri Wygorn' Willielmi Coventr' et Benedicti
Roff' episcoporum magistri Pandulfi domini pape subdia-
coni et familiaris fratris Eymerici magistri militie templi
in Anglia et nobilium virorum Willielmi Mariscalli
comitis Penbrok Willielmi comitis Sar' Willielmi comitis
Warena' Willielmi comitis Arundell' Alani de Galweya
consta-

No. I. constabularii Scottie Warini filii Geroldi Petri filii Hefeberti Huberti de Burgo senescalli Pictavie Hugonis de Nevill' Mathei filii Hereberti Thome Basset Alani Basset Philippi de Albin' Roberti de Roppel' Johannis Mariscalli Johannis filii Hugonis et aliorum fidelium nostrorum

- 1 In primis concessisse Deo et hac presenti carta nostra confirmasse pro nobis et heredibus nostris in perpetuum quod Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illesas et ita volumus observari quod apparet ex eo quod libertatem electionum que maxima et magis necessaria reputatur ecclesie Anglicane mera et spontanea voluntate ante discordiam inter nos et barones nostros motam concessimus et carta nostra confirmavimus et eam optinuimus a domino papa Innocentio tertio confirmari quam et nos observabimus et ab heredibus nostris in perpetuum bona fide volumus observari Concessimus etiam omnibus liberis hominibus regni nostri pro nobis et heredibus nostris in perpetuum omnes libertates subscriptas habendas et tenendas eis et heredibus suis de nobis et heredibus nostris
- 2 Si quis comitum vel baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum libras heres vel heredes militis de feodo militis integro per centum solidos ad plus et qui minus debuerit minus det secundum antiquam consuetudinem feodorum
- 3 Si autem heres alicujus talium fuerit infra etatem et fuerit in custodia cum ad etatem pervenerit habeat hereditatem suam sine relevio et sine fine
- 4 Custos terre hujusmodi heredis qui infra etatem fuerit non capiat de terra heredis nisi rationabiles exitus et rationabiles consuetudines et rationabilia servitia et hoc sine destructione et vasto hominum vel rerum et si nos commiserimus custodiam alicujus talis terre vicecomiti vel alicui

A P P E N D I X.

alicui alii qui de exitibus illius nobis respondere debeat ille destructionem de custodia fecerit vel vastum nos a illo capiemus emendam et terra committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus respondeant nobis vel ei cui eos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terti et ille destructionem inde fecerit vel vastum amittat ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos vivaria stagna molendina et cetera ad terram illam pertinentia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carrucis et wainnagii secundum quod tempus wainnagii exigit et exitus terrarationabiliter poterunt sustinere Heredes maritentum absque disparagatione ita tamen quod antequam contrahatur matrimonium ostendatur propinquus de consanguinitate ipsius heredis Vidua post mortem mariti sui statim et sine difficultate habeat maritagium et hereditatem suam nec aliquid det pro dote sua vel pro maritagio suo vel hereditate sua quam hereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti et maneat in domo mariti super quadraginta dies post mortem ipsius infra quos assignetur ei dos sua Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro si de nobis tenuerit vel sine assensu domini sui de quo tenuerit si de alio tenuerit Nec nos nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris sufficiunt ad debitum reddendum nec pleggii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficit ad solutionem debiti et si capitalis debitor defecerit in solutione debiti non habens unde solvat pleggii respondeant de debito et si voluerint habeant terras et redditus debitoris donec sit eis satisfactum de debito quod ante

pro

No. I.

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pro eo solverint nisi capitalis debitor monstraverit se esse quietum inde versus eosdem pleggios Si quis mutuo ceperit aliquid a Judeis plus vel minus et moriatur antequam debitum illud solvatur debitum non usuret quamdiu heres fuerit infra etatem de quocumque teneat et si debitum illud inciderit in manus nostras nos non capiemus nisi catallum contentum in carta Et si quis moriatur et debitum debeat Judeis uxor ejus habeat dotem suam et nichil reddat de debito illo et si liberi ipsius defuncti qui fuerint infra etatem remanserint provideantur eis necessaria secundum tenementum quod fuerit defuncti et de residuo solvatur debitum salvo servitio dominorum simili modo fiat de debitis que debentur aliis quam Judeis Nullum scutagium vel auxilium ponatur in regno nostro nisi per commune consilium regni nostri nisi ad corpus nostrum redimendum et primogenitum filium nostrum militem faciendum et ad filiam nostram primogenitam semel maritandam et ad hec non fiat nisi rationabile auxilium simili modo fiat de auxiliis de civitate London' Et civitas London' habeat omnes antiquas libertates et liberas consuetudines suas tam per terras quam per aquas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et portus habeant omnes libertates et liberas consuetudines suas Et ad habendum commune consilium regni de auxilio assidendo aliter quam in tribus casibus predictis vel de scutagio assidendo summoneri faciemus archiepiscopos episcopos abbates comites et majores barones sigillatim per litteras nostras et preterea faciemus summoneri in generali per vicecomites et ballivos nostros omnes illos qui de nobis tenent in capite ad certum diem scilicet ad terminum quadraginta dierum ad minus et ad certum locum et in omnibus litteris illius summonitionis causam summonitionis exprimemus et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui presentes fuerint quamvis non omnes summoniti venerint Nos non concedemus de cetero alicui quod capiat

auxilium

auxilium de liberis hominibus suis nisi ad corpus suum re-
 mendum et ad faciendum primogenitum filium suum ma-
 tem et ad primogenitam filiam suam semel maritandam
 ad hec non fiat nisi rationabile auxilium Nullus distrin-
 gatur ad faciendum majus servitium de feodo militis nisi
 de alio libero tenemento quam inde debetur Communi
 placita non sequantur curiam nostram set teneantur
 aliquo loco certo Recognitiones de nova disseisina
 morte antecessoris et de ultima presentatione non capiant
 nisi in suis comitatibus et hoc modo Nos vel si extra
 regnum fuerimus capitalis justiciarius noster mittens
 duos justiciarios per unumquemque comitatum per qua-
 tuor vices in anno qui cum quatuor militibus cujuslibet
 comitatus electis per comitatum capiant in comitatu et
 die et loco comitatus assisas predictas Et si in die comi-
 tatus assise predictae capi non possint tot milites et libe-
 tenentes remaneant de illis qui interfuerint comitatui cum
 illo per quos possint judicia sufficienter fieri secundum
 quod negotium fuerit majus vel minus Liber homo non
 amercietur pro parvo delicto nisi secundum modum delicti
 et pro magno delicto amercietur secundum magnitudinem
 delicti salvo contenemento suo et mercator eodem modo
 salva merchandisa sua et villanus eodem modo amercietur
 salvo wainnagio suo si inciderint in misericordiam nostram
 et nulla predictarum misericordiarum ponatur nisi per
 sacramentum proborum hominum de visneto Comites et
 barones non amercientur nisi per pares suos et non nisi
 secundum modum delicti Nullus clericus amercietur de
 laico tenemento suo nisi secundum modum aliorum pre-
 dictorum et non secundum quantitatem beneficii sui eccle-
 siastici Nec villa nec homo distringatur facere pontes a-
 riparias nisi qui ab antiquo et de jure facere debent
 Nullus vicecomes constabularius coronatores vel alii ballivi
 nostri teneant placita corone nostre Omnes comitatus
 hundredi wapentak' et trething' sint ad antiquas firmas
 absque ullo incremento exceptis dominicis maneribus

No. I.

26

- nostris Si aliquis tenens de nobis laicum feodum maria-
tur et vicecomes vel ballivus noster ostendat litteras nostras
patentes de summonitione nostra de debito quod defunctus
nobis debuit liceat vicecomiti vel ballivo nostro attachiare
et inbreviare catalla defuncti inventa in laico feodo ad
valentiam illius debiti per visum legalium hominum ita
tamen quod nichil inde amoveatur donec persolvatur nobis
debitum quod clarum fuerit et residuum relinquatur execu-
toribus ad faciendum testamentum defuncti et si nichil
nobis debeatur ab ipso omnia catalla cedant defuncto salvis
27 uxori ipsius et pueris rationabilibus partibus suis Si
aliquis liber homo. intestatus decesserit catalla sua per
manus propinquorum parentum et amicorum suorum per
visum ecclesie distribuatur salvis unicuique debitis que
28 defunctus ei debebat Nullus constabularius vel alius bal-
livus noster capiat blada vel alia catalla alicujus nisi statim
inde reddat denarios aut respectum inde habere possit de
29 voluntate venditoris Nullus constabularius distringat
aliquem militem ad dandum denarios pro custodia castri si
facere voluerit custodiam illam in propria persona sua vel
per alium probum hominem si ipse eam facere non possit
propter rationabilem causam et si nos duxerimus vel mise-
rimus eum in exercitum erit quietus de custodia secundum
quantitatem temporis quo per nos fuerit in exercitu
30 Nullus vicecomes vel ballivus noster vel aliquis alius capiat
equos vel caretas alicujus liberi hominis pro cariagio
31 faciendo nisi de voluntate ipsius liberi hominis Nec nos
nec ballivi nostri capiemus alienum boscum ad castra vel
alia agenda nostra nisi per voluntatem ipsius cujus boscus
32 ille fuerit Nos non tenebimus terras illorum qui con-
victi fuerint de feloniam nisi per unum annum et unum
33 diem et tunc reddantur terre dominis feodorum Omnes
kydelli de cetero deponantur penitus de Thamisa et de
Medewaye et per totam Angliam nisi per costeram
34 maris Breve quod vocatur Precipe de cetero non fiat
alicui de aliquo tenemento unde liber homo amittere
possit

A P P E N D I X.

possit curiam suam Una mensura vini sit per totum
num nostrum et una mensura cervisie et una mensura b
scilicet quarterium London' et una latitudo panorum et
torum et ruffetorum et halbergettorum scilicet due
infra listas de ponderibus autem sit ut de mensuris Ni
detur vel capiatur de cetero pro brevi inquisitionis de
vel membris set gratis concedatur et non negetur
aliquis teneat de nobis per feodifirmam vel per sokagi
vel per burgagium et de alio terram teneat per serviti
militare nos non habebimus custodiam heredis nec te
sue que est de feodo alterius occasione illius feodifirme
sokagii vel burgagii nec habebimus custodiam illius feo
firme vel sokagii vel burgagii nisi ipsa feodifirma debe
servitium militare Nos non habebimus custodiam heredi
vel terre alicujus quam tenent de alio per servitium milita
occasione alicujus parve sergenterie quam tenet de nob
per servitium reddendi nobis castellos vel sagittas vel hi
jusmodi Nullus ballivus ponat de cetero aliquem ad lege
simplici loquela sua sine testibus fidelibus ad hoc inducti
Nullus liber homo capiatur vel imprisonetur aut dissaisiati
aut utlagetur aut aliquo modo destruatur nec super eum
abimus nec super eum mittemus nisi per legale iudiciu
parium suorum vel per legem terre Nulli vendemus null
negabimus aut differemus rectum aut justiciam Omne
mercatores habeant saluum et securum exire de Anglia e
venire in Angliam et morari et ire per Angliam tam pe
terram quam per aquam ad emendum et vendendum sine
omnibus malis tollis per antiquas et rectas consuetudines
preterquam in tempore gwerre et si sint de terra contra nos
gwerriua et si tales inveniuntur in terra nostra in principio
gwerre attachiantur sine dampno corporum et rerum
donec sciatur a nobis vel capitali justiciario nostro quo
modo mercatores terre nostre tractentur qui tunc inveni
entur in terra contra nos gwerriua et si nostri salvi sint
ibi alii salvi sint in terra nostra Liceat unicuique de cetero
exire de regno nostro et redire salvo et secure per terram

No. I.

et per aquam salva fide nostra nisi tempore gwerre per aliquod breve tempus propter communem utilitatem regni exceptis imprisonatis et utlagatis secundum legem regni et gente de terra contra nos gwerriua et mercatoribus de quibus fiat sicut predictum est Si quis tenuerit de aliqua escaeta sicut de honore Walingeford Notingeham Bon' Lainkastr' vel de aliis eskaetis que sunt in manu nostra et sunt baronie et obierit heres ejus non det aliud relevium nec faciat nobis aliud servitium quam faceret baroni si baronia illa esset in manu baronis et nos eodem modo eam tenebimus quo baro eam tenuit Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones nisi sint in placito vel pleggii alicujus vel aliquorum qui attachiati sint pro foresta Nos non faciemus justiciarios constabularios vicecomites vel ballivos nisi de talibus qui sciant legem regni et eam bene velint observare Omnes barones qui fundaverunt abbatias unde habent cartas regum Anglie vel antiquam tenuram habeant earum custodiam cum vacaverint sicut habere debent Omnes foreste que aforestate sunt tempore nostro statim deaforestentur et ita fiat de ripariis que per nos tempore nostro posite sunt in defenso Omnes male consuetudines de forestis et warennis et de forestariis et warennariis vicecomitibus et eorum ministris ripariis et earum custodibus statim inquirentur in quolibet comitatu per duodecim milites juratos de eodem comitatu qui debent eligi per probos homines ejusdem comitatus et infra quadraginta dies post inquisitionem factam penitus ita quod numquam revocentur deleantur per eisdem ita quod nos hoc sciamus prius vel justiciarius noster si in Anglia non fuerimus Omnes obsides et cartas statim reddemus que liberate fuerunt nobis ab Anglicis in securitatem pacis vel fidelis servitii Nos amovebimus penitus de balliis parentes Gerardi de Athyes quod de cetero nullam habeant balliam in Anglia Engelardum de Cygony Andream Petrum et Gyonem de Cancell' Gyonem de Cygony

A P P E N D I X.

Cygoñy Galfridum de Martyni et fratres ejus Philipp Mark et fratres ejus et Galfridum nepotem ejus et tot sequelam eorundem Et statim post pacis reformation amovebimus de regno omnes alienigenas milites balistas fervientes stipendiaros qui venerint cum equis et armis nocumentum regni Si quis fuerit disseisitus vel elonga per nos sine legali judicio parium suorum de terris casta libertatibus vel jure suo statim ea ei restituemus et si contentio super hoc orta fuerit tunc inde fiat per judiciam ginti quinque baronum de quibus fit mentio inferiori securitate pacis de omnibus autem illis de quibus aliqui disseisitus fuerit vel elongatus sine legali judicio parium suorum per Henricum regem patrem nostrum vel per Ricardum regem fratrem nostrum que in manu nostra habemus vel que alii tenent que nos oporteat warrantiz respectum habemimus usque ad communem terminum concessignatorum exceptis illis de quibus placitum motum vel inquisitio facta per preceptum nostrum ante susceptionem crucis nostre cum autem redierimus de peregrinatione nostra vel si forte remanserimus a peregrinatione nostra statim inde plenam justiciam exhibebimus Eundem autem respectum habebimus et eodem modo de justiciis exhibenda de forestis deafforestandis vel remansuris forestis quas Henricus pater noster vel Ricardus frater noster afforestaverunt et de custodiis terrarum que sunt de alieno feodo cujusmodi custodias hucusque habuimus occasione fecimus quod aliquis de nobis tenuit per servitium militare et abbatibus que fundate fuerint in feodo alterius quam nostri in quibus dominus feodi dixerit se jus habere et cum redierimus vel si remanserimus a peregrinatione nostra super hiis conquerentibus plenam justiciam statim exhibebimus Nullus capiatur nec imprisonetur propter appellum feminarum de morte alterius quam viri sui Omnes fines qui injuste et contra legem terre facti sunt nobiscum et omnia amerciamenta facta injuste et contra legem terre omnino condonentur vel fiat inde per judicium viginti quinque baronum

No. I.

- ronum de quibus fit mentio inferius in securitate pacis vel per iudicium majoris partis eorundem una cum predicto Stephano Cant' archiepiscopo si interesse poterit et aliis quos secum ad hoc vocare voluerit et si interesse non poterit nichilominus procedat negotium sine eo ita quod si aliquis vel aliqui de predictis viginti quinque baronibus fuerint in simili querela amoveantur quantum ad hoc iudicium et alii loco illorum per residuos de eisdem viginti quinque tantum ad hoc faciendum electi et iurati substituantur Si nos dissaisivimus vel elongavimus Walenses de tertia vel libertatibus vel rebus aliis sine legali iudicio parium suorum in Anglia vel in Wallia eis statim reddantur et si contentio super hoc orta fuerit tunc inde fiat in marchia per iudicium parium suorum de tenementis Anglie secundum legem Anglie de tenementis Wallie secundum legem Wallie de tenementis marchie secundum legem marchie idem facient Walenses nobis et nostris
- 56 De omnibus autem illis de quibus aliquis Walensium dissaisitus fuerit vel elongatus sine legali iudicio parium suorum per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum que nos in manu nostra habemus vel que alii tenent que nos oporteat warantizare respectum habebimus usque ad communem terminum crucesignatorum illis exceptis de quibus placitum motum fuit vel inquisitio facta per preceptum nostrum ante susceptionem crucis nostre cum autem redierimus vel si forte remanserimus a peregrinatione nostra statim eis inde plenam justiciam exhibebimus secundum leges Walensium et partes predictas Nos reddemus filium Lewelini statim et omnes obsides de Wallia et cartas que nobis liberate fuerunt in securitatem pacis Nos faciemus Alexandro regi Scottorum de fororibus suis et obsidibus reddendis et libertatibus suis et jure suo secundum formam in qua faciemus aliis baronibus nostris Anglie nisi aliter esse debeat per cartas quas habemus de Willielmo patre ipsius quondam rege Scottorum et hoc erit per iudicium parium suorum

suorum in curia nostra Omnes autem istas consuetudines predictas et libertates quas nos concessissimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici observent quantum ad se pertinet erga suos Cum autem pro Deo et ad emendationem regni nostri et ad melius sopiendum discordiam inter nos et barones nostros ortam hec omnia predicta concesserimus volentes ea integra et firma stabilitate gaudere in perpetuum facimus et concedimus eis securitatem subscriptam videlicet quod barones eligant viginti quinque barones de regno quos voluerint qui debeant pro totis viribus suis observare tenere et facere observari pacem et libertates quas eis concessimus et hac presenti carta nostra confirmavimus ita scilicet quod si nos vel iusticiarius noster vel ballivi nostri vel aliquis de ministris nostris in aliquo erga aliquem deliquerimus vel aliquem articulorum pacis aut securitatis transgressi fuerimus et delictum offensum fuerit quatuor baronibus de predictis viginti quinque baronibus illi quatuor barones accedant ad nos vel ad iusticiarium nostrum si fuerimus extra regnum proponentes nobis excessum petent ut excessum illum sine dilatione faciamus emendari et si nos excessum non emendaverimus vel si fuerimus extra regnum iusticiarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel iusticiario nostro si extra regnum fuerimus predicti quatuor barones referant causam illam ad residuos de viginti quinque baronibus et illi viginti quinque barones cum communia totius terre distringent et gravabunt nos modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona nostra et regine nostre et liberorum nostrorum et cum fuerit emendatum intendent nobis sicut prius fecerunt Et quicumque voluerit de terra juret quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque

No. I.

baronum et quod gravabit nos pro posse suo cum ipsis et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit et nulli umquam jurare prohibebimus Omnes autem illos de terra qui per se et sponte sua noluerint jurare viginti quinque baronibus de distringendo et gravando nos cum eis faciemus jurare eisdem de mandato nostro sicut predictum est Et si aliquis de viginti quinque baronibus decesserit vel a terra recefferit vel aliquo alio modo impeditus fuerit quo minus ista predicta possent exequi qui residui fuerint de predictis viginti quinque baronibus eligant alium loco ipsius pro arbitrio suo qui simili modo erit juratus quo et ceteri In omnibus autem que istis viginti quinque baronibus committuntur exequenda si forte ipsi viginti quinque presentes fuerint et inter se super re aliqua discordaverint vel aliqui ex eis summoniti nolint vel nequeant interesse ratum habeatur et firmiter quod major pars eorum qui presentes fuerint providerit vel preceperit ac si omnes viginti quinque in hoc consensissent et predicti viginti quinque jurent quod omnia antedicta fideliter observabunt et pro toto posse suo facient observari Et nos nichil impetrabimus ab aliquo per nos nec per alium per quod aliqua istarum concessionum et libertatum revocetur vel minuatur et si aliquid tale impetratum fuerit irritum sit et inane et numquam eo utemur per nos nec per alium Et omnes malas voluntates indignationes et rancores ortos inter nos et homines nostros clericos et laicos et tempore discordie plene omnibus remisimus et condonavimus Preterea omnes transgressiones factas occasione ejusdem discordie a pascha anno regni nostri sextodecimo usque ad pacem reformatam plene remisimus omnibus clericis et laicis et quantum ad nos pertinet plene condonavimus Et insuper fecimus eis fieri litteras testimoniales patentes domini Stephani Cant' archiepiscopi domini Henrici Dublin' archiepiscopi et episcoporum predictorum et magistri Pandulfi super securitate ista et concessionibus prefatis Quare volumus et firmiter precipimus

precipimus quod Anglicana ecclesia libera sit et quod homines in regno nostro habeant et teneant omnes prefatas libertates jura et concessionem bene et in pace libere et quiete plene et integre sibi et heredibus suis de nobis et heredibus nostris in omnibus rebus et locis in perpetuum sicut predictum est Juratum est autem tam ex parte nostra quam ex parte baronum quod hec omnia supradicta bona fide et sine malo ingenio observabuntur Testibus supradictis et multis aliis Data per manum nostram in prato quod vocatur Runingmed' inter Windelesorum et Stanes quinto decimo die Junii anno regni nostri septimo decimo.

No. I.

NUMBER II.

Translation of the Great Charter of King John,
granted June 15th, A. D. 1215, in the seven-
teenth Year of his Reign.

JOHNS, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, and earl of Anjou, to all his archbishops, bishops, abbots, earls, barons, justiciaries, foresters, sheriffs, commanders, officers, and to all his bailiffs and faithful subjects, *wisbeth* health. Know ye, that we, from our regard to God, and for the salvation of our own soul, and of the souls of our ancestors, and of our heirs, to the honour of God, and the exaltation of holy church and amendment of our kingdom, by the advice of our venerable fathers, Stephen archbishop of Canterbury, primate of all England, and cardinal of the holy Roman church, Henry archbishop of Dublin, William of London, Peter of Winchester, Joceline of Bath and Glastonbury, Hugh of Lincoln, Walter of

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of Worcester, William of Coventry, Benedict of Rochester, bishops, master Pandulph, the pope's subdeacon and familiar, brother Eymeric master of the knights-templars in England, and of these noble persons, William Marischal earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Allan of Galloway constable of Scotland, Warin Fitz-Gerald, Peter Fitz-Herbert, Hubert de Burgh steward of Poictou, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Bassett, Allan Bassett, Philip de Albany, Robert de Roppel, John Marischal, John Fitz-Hugh, and of others of our liegemen, have granted to God, and by this our present charter, have confirmed, for us, and our heirs for ever:—First, That the English church shall be free, and shall have her whole rights, and her liberties unhurt; and I will this to be observed in such a manner that it may appear from thence, that the freedom of elections, which was reputed most necessary to the English church, which we granted, and by our charter confirmed, and obtained the confirmation of it from pope Innocent III. before the rupture between us and our barons, was of our own free will. Which charter we shall observe; and we will it to be observed, with good faith, by our heirs for ever.—We have also granted to all the freemen of our kingdom, for us and our heirs for ever, all the under-written liberties, to be enjoyed and held by them and their heirs, of us and our heirs.—If any of our earls or barons, or others who hold of us in chief by military service, shall die, and at his death his heir shall be of full age, and shall owe a relief, he shall have his inheritance for the ancient relief, viz. the heir or heirs of an earl, a whole earl's barony, for one hundred pounds; the heir or heirs of a baron, a whole barony for one hundred pounds^a; the heir or heirs of a knight, a whole knight's

^a This is marks in *Matthew Paris*, which is probably the right reading. *M. Paris*, p. 178. col. 1.

fee, for one hundred shillings most; and he who owes less, shall give less, according to the ancient custom of fees.—But if the heir of any such be under age, and in wardship, when he comes to age he shall have his inheritance without relief and without fine.—The warden of an heir who is under age, shall not take of the lands of the heir any but reasonable issues, and reasonable customs, and reasonable services, and that without destruction and waste of the men or goods: and if we commit the custody of any such lands to a sheriff, or to any other person who is bound to answer to us for the issues of them, and he shall make destruction or waste upon the ward-lands, we will recover damages from him, and the lands shall be committed to two legal and discreet men of that fee, who shall answer for the issues to us, or to him to whom we have assigned them: and if we granted or sold to any one the custody of any such lands, and he shall make destruction or waste, he shall lose the custody; and it shall be committed to two legal and discreet men of that fee, who shall answer to us, in like manner as was said before.—Besides, the warden, as long as he hath the custody of the lands, shall keep in order the houses, parks, warrens, ponds, mills, and other things belonging to them, out of their issues; and shall deliver to the heir, when he is at age, his whole estate provided with ploughs and other implements of husbandry, according to what the season requires, and the profits of the lands can reasonably afford.—Heirs shall be married without disparagement, and so that, before the marriage is contracted, it shall be notified to the relations of the heir by consanguinity.—A widow, after the death of her husband, shall immediately, and without difficulty, have her marriage goods and her inheritance; nor shall she give any thing for her dower, or her marriage goods, or her inheritance, which her husband and she held on the day of his death. And she

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- No. II.** she may remain in her husband's house forty days after his death, within which time her dower shall be assigned.
- 8** No widow shall be compelled to marry herself while she chuses to live without a husband, but so that she shall give security that she will not marry herself, without our consent, if she holds of us, or without the consent of the lord of whom she holds; if she holds of another.—
- 9** Neither we nor our bailiffs shall seize any land or rents for any debt, while the chattels of the debtor are sufficient for the payment of the debt; nor shall the sureties of the debtor be distrained, while the principal debtor is able to pay the debt: and if the principal debtor fail in payment of the debt, not having wherewith to pay, the sureties shall answer for the debt; and if they please, they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can shew that he is discharged from it by the said sureties.—
- 10** If any one hath borrowed any thing from the Jews, more or less, and dies before that debt is paid, the debt shall pay no interest as long as the heir shall be under age, of whomsoever he holds; and if that debt shall fall into our hands, we will not take any thing, except the chattels contained in the bond.—
- 11** And if any one dies indebted to the Jews, his wife shall have her dower, and shall pay nothing of that debt; and if children of the defunct remain who are under age, necessities shall be provided for them, according to the tenement which belonged to the defunct; and out of the surplus the debt shall be paid, saving the rights of the lords of whom the lands are held. The same rules shall be observed with respect to debts owing to others
- 12** than Jews.—No scutage or aid shall be imposed, except by the common council of our kingdom, but for redeeming our body,—for making our eldest son a knight, and for once marrying our eldest daughter; and for these only a reasonable aid shall be demanded. This extends to the
aids

aids of the city of London.—And the city of London shall have all its ancient liberties, and its free customs, as well by land as by water. Besides, we will and grant, that all other cities and burghs, and towns and sea-ports, shall have all their liberties and free customs.—And to have a common council of the kingdom, to assess and aid, otherwise than in the three foresaid cases, or to assess a scutage, we will cause to be summoned the archbishops, bishops, earls, and greater barons, personally, by our letters; and besides, we will cause to be summoned in general by our sheriffs and bailiffs, all those who hold of us in chief, to a certain day, at the distance of forty days at least, and to a certain place; and, in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall go on at the day appointed, according to the advice of those who shall be present, although all who had been summoned have not come.—We will not give leave to any one, for the future, to take an aid of his freemen, except for redeeming his own body, making his eldest son a knight, and marrying once his eldest daughter; and that only a reasonable aid.—Let none be distrained to do more service for a knight's fee, nor for any other free tenement, than what is due from thence.—Common pleas shall not follow our court, but shall be held in some certain place.—Assizes upon the writs of Novel disseisin, Mortdancerster (death of the ancestor), and Darrein presentment (last presentation), shall not be taken but in their proper counties, and in this manner.—We, or our chief justiciary when we are out of the kingdom, shall send two justiciaries into each county, four times a-year, who, with four knights of each county, chosen by the county, shall take the foresaid assizes, at a stated time and place, within the county.—And if the foresaid assizes cannot be taken on the day of the county-court, let as many knights and freeholders, of those who were present

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- No. II.** present at the county-court, remain behind, as by them
 the foresaid assizes may be taken, according to the greater
 or less importance of the business.——A freeman shall not
 be amerced for a small offence, but only according to the
 degree of the offence; and for a great delinquency,
 according to the magnitude of the delinquency, saving
 his contenment^b: a merchant shall be amerced in the
 same manner, saving his merchandise, and a villain, sav-
 ing his implements of husbandry. If they fall into our
 mercy, none of the foresaid amerciements shall be assessed,
 but by the oath of honest men of the vicinage.——Earls
 and barons shall not be amerced but by their peers, and
 that only according to the degree of their delinquency.
 ——No clerk shall be amerced for his lay-tenement, but
 according to the manner of others as aforesaid, and not
 according to the quantity of his ecclesiastical benefice.
 ——Neither a town nor a particular person shall be dis-
 trained to build bridges or embankments, except those
 who anciently, and of right, are bound to do it.——No
 sheriff, constable, coroner, or bailiff of ours, shall hold
 pleas of our crown.——All counties, hundreds, wapon-
 tacks, and trithings, shall be at the ancient rent, without
 any increment, except our demesne-manors.——If any
 one holding of us a lay-fee dies, and the sheriff or our
 bailiff shall shew our letters-patent of our summons for a
 debt which the defunct owed to us, it shall be lawful for
 the sheriff or our bailiff to attach and register the chattels
 of the defunct found on that fee, to the amount of that
 debt, at the view of lawful men, so that nothing shall be
 removed from thence until our debt is paid to us. The
 clear overplus shall be left to the executors to fulfil the
 last-will of the defunct; and if nothing is owing to us
 by him, all the chattels shall fall to the defunct, saving
 to his wife and children their reasonable shares.——If any
 freeman shall die intestate, his chattels shall be distributed

^b See p. 83, of this volume.

A P P E N D I X.

by his nearest relations and friends, at the view of the church, saving to every one the debts which the defunct owed to him.—No constable or bailiff of ours shall take the corn or other goods of any one, without instantly paying money for them, unless he can obtain respite from the free will of the seller.—No constable (governor of a castle) shall distrain any knight to give money for castle-guard, if he is willing to perform it by his own person, or by another good man if he cannot perform it himself, for a reasonable cause. Or if we have carried or sent him into the army, he shall be excused from castle-guard, according to the space of time he hath been in the army at our command.—No sheriff or bailiff of ours, or any other person, shall take the horses or carts of any freeman, to perform carriages, without the consent of the said freeman.—Neither we, nor our bailiffs, shall take another man's wood, for our castles or other uses, without the consent of him to whom the wood belongs.—We will not retain the lands of those who have been convicted of felony, above one year and one day, and then they shall be given up to the lord of the fee.—All kydells (wears) for the future shall be quite removed out of the Thames, the Medway, and through all England, except on the sea-coast.—The writ which is called *Precipe* for the future shall not be granted to any one concerning any tenement by which a freeman may lose his court.—There shall be one measure of wine through all our kingdom, and one measure of ale, and one measure of corn, viz. the quarter of London; and one breadth of dyed-cloth and of ruffets, and of halberjects, viz. two ells within the lists. It shall be the same with weights as with measures.—Nothing shall be given or taken for the future for the writ of inquisition of life or limb; but it shall be given *gratis*, and not denied.—If any hold of us by fee-farm, or soccage, or burgage, and holds an estate of another by military service, we shall not have the

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No. II.

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- No. II. the custody of the heir, or of his land, which is of the fee of another, on account of that fee-farm, or soccage, or burgage, unless the fee-farm owes military service. We shall not have the custody of the heir, or of the land of any one, which he holds of another by military service, on account of any petty serjeantry which he holds of us,
- 38 by giving us knives, arrows, or the like.—No bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced to that purpose.—No freeman shall be seized, or imprisoned, or disseised, or outlawed, or any way destroyed, nor will we go upon him, nor will we send upon him, except by the legal judgment of his peers, or by the law of the land.—To none will we sell, to none will we
- 40 deny, to none will we delay right or justice—All merchants shall be safe and secure in coming into England, and going out of England, and staying and travelling through England, as well by land as by water, to buy and to sell, without any unjust exactions, according to ancient and right customs, except in time of war, and if they be of a country at war against us. And if such are found in our dominions at the beginning of a war, they shall be apprehended without injury of their bodies and goods, until it be known to us, or to our chief justiciary, how the merchants of our country are treated in the country at war against us; and if ours are safe there, the others shall
- 42 be safe in our country.—It shall be lawful to any person, for the future, to go out of our kingdom, and to return, safely and securely, by land and by water, saving his allegiance, except in time of war, for some short space, for the common good of the kingdom, except prisoners, outlaws according to the law of the land, and people of the nation at war against us, and merchants who shall be
- 43 treated as is said above.—If any one holdeth of any escheat, as of the honour of Wallingford, Nottingham,

* See p. 80 of this volume.

Boulogne, Lancaſtre, or of other eſcheats which are in our hands, and ſhall die, his heir ſhall not give any other relief, or do any other ſervice to us, than he ſhould have done to the baron, if that barony had been in the hands of the baron; and we will hold it in the ſame manner that the baron held it.—Men who dwell without the foreſt, ſhall not come, for the future, before our juſticiaries of the foreſt, on a common ſummons, unleſs they be parties in a plea, or ſureties for ſome perſon or perſons who are attached for the foreſt.—We will not make men juſticiaries, conſtables, ſheriffs, or bailiffs, unleſs they underſtand the law of the land, and are well diſpoſed to obſerve it.—All barons who have founded abbeys, of which they have charters of the kings of England, or ancient tenure, ſhall have the cuſtody of them, when they become vacant, as they ought to have.—All foreſts which have been made in our time, ſhall be immediately diſforeſted; and it ſhall be ſo done with water-banks which have been made in our time, in defiance.—All evil cuſtoms of foreſts and warrens, and of foreſters and warreners, ſheriffs and their officers, water-banks and their keepers, ſhall immediately be inquired into by twelve knights of the ſame county, upon oath, who ſhall be choſen by the good men of the ſame county; and within forty days after the inquiſition is made, they ſhall be quite deſtroyed by them, never to be reſtored; provided that this be notified to us before it is done, or to our juſticiary, if we are not in England.—We will immediately reſtore all hoſtages and charters which have been delivered to us by the Engliſh, in ſecurity of the peace, and of their faithful ſervice.—We will remove from their offices the relations of Gerard de Athyes, that, for the future, they ſhall have no office in England, Engelard de Cygony, Andrew, Peter, and Gyone de Chancell, Gyone de Cygony, Geoffery de Martin, and his brothers; Philip Mark, and his brothers; and Geoffrey his grandſon;

VOL. VI. D d and

No. II. and all their followers.—And immediately after the conclusion of the peace, we will remove out of the kingdom all foreign knights, cross-bow-men, and stipendiary soldiers, who have come with horses and arms to the molestation of the kingdom.—If any have been disseised or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them; and if a question shall arise on this head, it shall be determined by the verdict of the twenty-five barons, who shall be mentioned below, for the security of the peace. But as to all those things of which any one hath been disseised or dispossessed, without a legal verdict of his peers, by king Henry our father, or king Richard our brother, which we have in our hand, or others hold with our warrants, we shall have respite, until the common term of the Croisaders, except those concerning which a plea had been moved, or an inquisition taken, by our precept, before our taking the cross. But as soon as we shall return from our expedition, or if, by chance, we shall not go upon our expedition, we shall immediately do complete justice therein.—But we shall have the same respite, and in the same manner, concerning the justice to be done about disforesting or continuing the forests which Henry our father, or Richard our brother, had made; and about the wardship of lands which are of the fee of some other person, but the wardship of which we have hitherto had, on account of a fee which some one held of us by military service; and about abbeys which had been founded in the fee of another, and not in ours, in which abbeys the lord of the fee hath claimed a right. And when we shall have returned, or if we shall stay from our expedition, we shall immediately do complete justice in all these pleas.—No man shall be apprehended or imprisoned on *the appeal of a woman*, for the death of any other man than her husband.—All fines that have been made with us unjustly, or contrary

contrary to the law of the land; and all amerciements that have been imposed unjustly, or contrary to the law of the land, shall be remitted, or disposed of by the verdict of the twenty-five barons of whom mention is made below for the security of the peace, or by the verdict of the major part of them, together with the foresaid Stephen archbishop of Canterbury, if he can be present, and others whom he may think fit to bring with him; and if he cannot be present, the business shall proceed notwithstanding without him: but so, that if one or more of the foresaid twenty-five barons have a similar plea, let them be removed from that particular trial, and others elected and sworn by the residue of the same twenty-five, be substituted in their room, only for that trial.—If we have disseised or dispossessed any Welshmen of their land, liberties, or other things, without a legal verdict of their peers, in England or in Wales, they shall be immediately restored to them; and if a question shall arise about it, then let it be determined in the marches by the verdict of their peers, if the tenement be in England, according to the law of England: if the tenement be in Wales, according to the law of Wales: if the tenement be in the marches, according to the law of the marches. The Welsh shall do the same to us and our subjects.—But concerning those things of which any Welshman hath been disseised or dispossessed without a legal verdict of his peers, by king Henry our father, or king Richard our brother, which we have in our hand, or others hold with our warranty, we shall have respite, until the common term of the Croisaders, except those concerning which a plea had been moved, or an inquisition taken, by our precept, before our taking the cross. But as soon as we shall return from our expedition; or if, by chance, we shall not go upon our expedition, we shall immediately do complete justice therein, according to the laws of Wales, and the parts aforesaid.—We will immediately deliver up the son of

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No. II. Leweline, and all the hostages of Wales, and charters which have been given to us for security of the peace.

59 — We shall do to Alexander king of Scotland, concerning the restoration of his sisters and hostages, and his liberties and rights, according to the form in which we act to our other barons of England, unless it ought to be otherwise by charters which we have from his father William late king of Scotland, and that by the verdict of his
60 peers in our court. — But all these foresaid customs and liberties which we have granted in our kingdom, to be held by our tenants, as far as concerns us, all our clergy and laity shall observe towards their tenants, as far as concerns them. — But since we have granted all these things aforesaid, for God, and to the amendment of our kingdom, and for the better extinguishing the discord arisen between us and our barons, being desirous that these things should possess entire and unshaken stability for ever, we give and grant to them the security underwritten, viz. That the barons may elect twenty-five barons of the kingdom, whom they please, who shall, with their whole power, observe and keep, and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this our present charter, in this manner. That if we, or our justiciary, or our bailiffs, or any of our officers, shall have injured any one in any thing, or shall have violated any article of the peace or security, and the injury shall have been shown to four of the foresaid twenty-five barons, these four barons shall come to us, or to our justiciary if we are out of the kingdom, and making known to us the excess committed, require that we cause that excess to be redressed without delay; and if we shall not have redressed the excess, or, if we have been out of the kingdom, our justiciary shall not have redressed it, within the term of forty days, computing from the time in which it shall have been made known to us, or to our justiciary if we have been out of the kingdom, the
foresaid

foresaid four barons shall lay that cause before the residue of the twenty-five barons; and these twenty-five barons, with the community of the whole land, shall distress and harass us by all the ways in which they can, that is to say, by the taking of our castles, lands, and possessions, and by other means in their power, until the excess shall have been redressed, according to their verdict; saving our person, and the persons of our queen and children; and when it hath been redressed, they shall behave to us as they had done before: and whoever of our land pleaseth, may swear, that he will obey the commands of the foresaid twenty-five barons, in accomplishing all the things aforesaid, and that with them he will harass us to the utmost of his power: and we publickly and freely give leave to every one to swear who is willing to swear; and we will never forbid any man to swear. But all those of our land, who, of themselves, and their own accord, are unwilling to swear to the twenty-five barons, to distress and harass us together with them, we will compel them, by our command, to swear as aforesaid. And if any one of the twenty-five barons shall die, or remove out of the land, or in any other way shall be prevented from executing the things above said, those who remain of the twenty-five barons shall elect another in his place, according to their pleasure, who shall be sworn in the same manner as the rest. But in all those things which are appointed to be done by these twenty-five barons, if it happen that all the twenty-five have been present, and have differed in their opinions about any thing, or if some of them who had been summoned, would not, or could not be present, that which the major part of those who were present shall have provided and decreed, shall be held as firm and valid, as if all the twenty-five had agreed in it. And the foresaid twenty-five shall swear, that they will faithfully observe, and, to the utmost of their power, cause to be observed, all the things mentioned above. And we will

No. II. obtain nothing from any one, by ourselves, or by another, by which any of these concessions and liberties may be revoked or diminished. And if any such thing hath been obtained, let it be void and null; and we will never use it, either by ourselves or by another. And we have fully remitted and pardoned to all men, all the ill-will, rancour, and resentments which have arisen between us and our subjects, both clergy and laity, from the commencement of the discord. Besides, we have fully remitted to all the clergy and laity, and as far as belongs to us, we have fully pardoned all transgressions committed on occasion of the said discord, from Easter, in the sixteenth year of our reign, to the conclusion of the peace. And, moreover, we have caused to be made to them testimonial letters-patent of my lord Stephen archbishop of Canterbury, my lord Henry archbishop of Dublin, and of the foresaid bishops, and of Mr. Pandulf, concerning this security, and the foresaid concessions. Wherefore, our will is, and we firmly command, that the church of England be free, and that the men in our kingdom have and hold all the foresaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places for ever, as aforesaid. An oath hath been taken, as well on our part, as on the part of the barons, that all these things mentioned above shall be observed in good faith, and without any evil intention, before the above-named witnesses, and many others. Given by our hand, in the meadow, which is called *Runingmed*, between Windsor and Stains, this fifteenth day of June, in the seventeenth year of our reign.


N U M B E R I I I .

A D P E T R U M A M I C U M M E D I C U M .

ARGUMENTUM.] Indicat Petro Medicinæ perito se ex intinere ægrum nobilem virum invisisse, & medicinam illi fecisse: rationem morbi & medicinæ exponit; ac de cætero ægrum illius curæ committit.

*Charissimo amico suo PETRO, Magister P. Blesensis, salutem
in vero salutari.*

NUPER ingrediebar Ambasiam, ubi vir nobilis No. III.
Geldewinus graviter ægrotabat: occurritque mihi dominus castri, rogans humiliter & obnixè, ut diverterem ad infirmum. Afferebat enim quod etsi manum curationis ei non apponerem, haberet tamen ex visitatione mea qualecumque solatium. Ad instantia mitaque magnatum, qui pro infirmo devotissime supplicabant, triduum ibi feci. Et quia propter occupationes meas, quas ipse novistis, moram non poteram ibi facere longiorem, consilium meum fuit, ut vocarent vos; pinguique retributione vestram circa infirmum diligentiam excitarent. Licet autem sitis circumspectus in his, tanquam similia frequentur expertus: quia tamen testimonio Hippocratis est experimentum fallax, & quandoque uni revelat Dominus, quod abscondit ab aliis: non tædeat vos audire hujus ægritudinis modum: symptomata etiam, quæ plenius vos instruent: et quibus auxiliis in ægritudine sit utendum. Commune quidem medicorum vitium est, semper circa ægritudines variare: unde si tres aut quatuor ad infirmum veniunt, nunquam in assignatione causæ, vel exhibitione curæ conveniunt. Porro, sicut nos duo sumus conformes in votis, sic & decet, ut identitas sit in nostris operibus, & in verbis. Ego siquidem primitias curationis adhibui: certusque sum,

No. III.  sum, quod assequetur de facili sanitatem, si sit qui prudenter continet manum suam. Noveritis autem certissime, quia medium hemitritæum patitur: cum enim patiatur continue de tertio in tertium, magis affligitur. Scitis autem quod si minor hemitritæus esset, cum habeat generari ex phlegmate putrefacto in vasis, & extra, suos nunquam tertiarum assultus. Quod si major hemitritæus esset, propter putrefactionem melancholiæ intus & extra in motu materiæ interioris, æger etiam motum & aptitudinem membrorum amitteret: dentes etiam ipsius ad se invicem clauderentur. Quæ omnia, quia in hac febre minime accidunt, constat medium esse hemitritæum proveniente ex cholera in vasis & stomacho putrefacta. Nam si in hepate putrefacta esset, quod quandoque solet accidere, urina rubea & tenuis minaretur adustionem, & ad nigredinem pertineret: quod, quia non accidit videtis materiam in vasis & stomacho residere. Ex quo igitur veni, quia ipsa die cum febris invaserat, feci ei venam hepaticam aperiri. Et quia, dum morbus in augmento est (quod ex eo liquet, quia adhuc est urina rubea & tenuis), nondum est purgatione utendum, usus sum repressivis, oleumque violaceum super cor & hepar, ac fronti ejus apposui. Restat igitur, ut cum urina spissior plenæ digestionis tempus nuntiaverit, detis ei frigidum caphonis, quod dare tutius est, quam oxi, vel aliud: nam in illo tota malitia scammonæ beneficio decoctionis evanuit. Optima etiam ei esset decoctio cassiæ fistulæ myrobalanorum citrinorum cum capillis Veneris et feminibus citroli, cucurbitæ, & melonis: si tamen infirmi vires hæc videritis posse pati. Dietam, sicut scitis, oportet esse perenne: ptisanam scilicet, & micam panis ter in aquis aut quater ablutam, fomentationesque de maluis, & violis, & papavere, non deficiant circa pedes: nam ibi calor plurimum invalescit. Si vero vehemens calor arcein capitis, sicut evenire solet, invaserit, radatur caput, atque aqua rosacea, & succo solatri, ac semper vivæ, crassulæ etiam, & ver-

& vermicularis, atque plantaginis, pannorum intinctione, No. III.
caput, frons, & tempora mulceantur. Propter ingruentiam sitis lingua lavetur, sicut scitis, cum psyllio, lignoque radatur. Ad insomnitates, papaveris nigri, maluæ, violæ hyoscyami decoctio pedibus, herbæque decoctæ capiti apponantur. Contra inobedientiam ventris fiat supposito-
rium, aut clystere. Hæc ideo scribo vobis, non ut indigeatis instrui, sed ut vobis securior, & ægroto acceptior sit medicina, quæ de nostra communi deliberatione procedit. Frequenter enim ex aptitudine medici gratiosa, ex quadam confidentia quam ægrotus inde concipit, natura jam deficiens convalescit. Oportet igitur vos circa hunc circumspectum esse ac strenuum, de cujus convalescentia, & magni titulus honoris vobis accrescet, & utilitas respondebit ad votum.

N U M B E R I V.

Permission of Richard I. for holding tournaments
in England.

RICHARD, by the grace of God, &c. to the reverend No. IV.
father in Christ, Hubert, Arch. of Cant. &c. greeting. Know that we have permitted turnaments to be held in England, in five places; between Sarum and Wilton, between Warewicke and Kenelingworthe, between Stamford and Warrinford [Wallingford], between Brakeley and Mixebury, between Blie and Tykehill; yet so that the peace of our land be not broken, nor justice hindred, nor damage done to our forests. And an earl who shall turney there, shall pay us 20 marcs, and a baron 10 marcs, and a knight who has land, 4 marcs, and a knight who has no land, 2 marcs. No foreigner shall
turney

No. IV. turney there. Wherefore we command you, that on the day of the tournament you shall provide, at each place, two clerks and [your] two knights, to receive the oaths from the earls and barons, for their satisfaction, concerning the aforeſaid ſums, &c.

END OF THE SIXTH VOLUME.

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